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1 (In open court.)

2 (Witness takes the witness stand.)

3 ROBERT L. DENNEY, called as a witness, having been
4 previously duly sworn, was examined and testified as follows:

5 THE COURT: Please be seated.

6 Good morning Dr. Denney, how are today?

7 THE WITNESS: Fine, sir.

8 (Defendant enters the courtroom.)

9 THE COURT: All right. Appearances please.

10 MS. COHEN: Celia Cohen, Jim McGovern on behalf of
11 the United States.

12 THE COURT: Good morning.

13 MR. BURT: Good morning, your Honor, Michael Burt
14 and Colleen Brady and Mr. Wilson is present. Mr. Stern is not
15 present.

16 THE COURT: Lets continue with cross-examination.
17 Mr. Burt.

18 MR. BURT: Thank you.

19 THE COURT: Remind the witness that he is still
20 under oath.

21 THE WITNESS: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. BURT: (Continuing.)

24 Q Good morning, Doctor.

25 A Good morning.

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1 Q Doctor, I wanted to return to a topic just briefly that
2 we discussed yesterday about the 90 versus 95 percent
3 confident intervals.

4 Do you remember that?

5 A Yes, sir.

6 Q Okay.

7 I checked your report last night and could you take
8 a look at it at Page 41.

9 A (Complying). I stand corrected. I did put confidence
10 intervals in there.

11 Q You did?

12 A Yes.

13 Q Despite what we talked about yesterday, that you felt
14 that 95 percent confidence interval was appropriate in your
15 report, you actually used the 90 percent confidence interval;
16 correct?

17 A That is correct.

18 Q And if you use a 95 percent confidence interval your band
19 is going to expand?

20 THE COURT: Doctor, your band is I.Q.

21 Q Your band of -- your range will extend on both ends;
22 correct?

23 A Yes, by a fraction of one point.

24 Q Okay.

25 And then, if you take a look at your raw data that

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1 is there in front of you, you have an interpretive report
2 there.

3 This is your computer interpretive report. I
4 believe its --

5 A Yes, sir.

6 Q -- its Government Exhibit No. 81.

7 Do you have it there?

8 A Yes, I do.

9 Q Okay. And in your score report, this is generated by the
10 computer company that you submitted the data to for scoring?

11 A Yes, it is.

12 Q And I think you said yesterday that there was an option
13 on the computer program where you could select either the 90
14 or the 95 percent confidence interval to report these scores
15 up?

16 A Yes.

17 Q And you selected 95 on this report; correct?

18 A That is correct.

19 Q Okay.

20 Was there some reason why its reported as 90 in the
21 report and why your computer-generated report is 95 or is that
22 just an overnight?

23 A No, its an oversight. I'd be comfortable citing either
24 one of them.

25 Q At the very end of yesterday, you were talking about the

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1 early scores; do you remember that?

2 And you were explaining to us why there might be
3 some less reliability to the very early scores.

4 A Yes, I remember that.

5 Q And you were in court when we were talking about the
6 National Research Council's book on determining mental
7 retardation for social security benefits?

8 A Yes, I was.

9 Q And this book was authored by a number of scholars;
10 correct?

11 A I don't know. I presume so.

12 Q The chair of the committee that authored this is Daniel
13 Reschly, R-e-s-c-h-l-y.

14 Do you know who he is?

15 A I recognize the name, yes.

16 Q Is he a well-known scholar in the field of intellectual
17 disability?

18 A Again, well-known scholar, I'm not sure of that. I know
19 he's published in the area. I've seen his name in the
20 publications in that particular area.

21 Q What is the status of the National Research Council in
22 the scientific community in terms of resolving disputes
23 between sign tests.

24 Do you know?

25 A I think it has a voice in there in trying to help

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1 understand the nature of the science.

2 Q Okay.

3 MR. BURT: And I had premarked as Exhibit U which
4 I'd like to approach and hand up to the Court if I could.

5 (Approaching the witness.)

6 THE COURT: Thank you.

7 MR. BURT: And Ill give a copy to the witness and
8 show him.

9 Q That's a portion of what we're talking about; correct?
10 The National Research Council's book on mental retardation?

11 A Yes. Yes, it is.

12 Q Okay. And if you take a look at Page 125 which is a
13 couple pages in there?

14 MR. McGOVERN: Your Honor, I'm going to object to
15 this, and its a relevance objection.

16 I think we've all conceded that at some point the
17 Supreme Court referenced the DSM standard for determining
18 mental retardation and made a reference to the criteria from
19 the 1992 AMMR standard for determining mental retardation.
20 But to now go into an area where the Social Security
21 Administration, what they use to determine mental retardation,
22 is bringing another standard in.

23 Now, there may well be other policy concerns and
24 other reasons why the Social Security Administration may use a
25 different or more nuanced version of the definition. I don't

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1 know the answer to that question, I suspect that this witness
2 doesn't know the answer to that question either. But its
3 really about relevance.

4 We already have two standards floating out there
5 that have been fully developed and now to bring in a third
6 standard and say, oh, the Social Security Administration says
7 that mental retardation means the following just introduces a
8 new definition and, again, the Social Security Administration
9 may have different policy concerns, like, maybe there's some
10 reason why they want a broader definition of mental
11 retardation maybe out of a sense of benevolence to those who
12 are in the borderline range. I don't know the answers to
13 those questions but I would submit that its irrelevant to the
14 issue here.

15 MR. BURT: Your Honor, that objection presumes that
16 I'm going to go into the standard and I'm not. The only thing
17 I'm want to ask the witness is whether he agrees with the
18 statement which has been read to number other witnesses at
19 Page 126 which says:

20 "For children between ages of three and six, total
21 test scores might reasonably be considered valid for one
22 year."

23 Then it goes on to talk about 6 through 16 and I
24 think its directly responsive to a question the Court raised
25 which is, where do you draw the line in terms of reliability

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1 in this course? And that's all I'm going into on this issue.

2 MR. McGOVERN: I don't want to answer his objection
3 or his statement, your Honor, but that statement could have
4 meaning in that context. Like, there may be a reason other
5 than science, or influencing science, as to why the Social
6 Security Administration may look at test scores for children
7 in a different way, that's all the Government's objection is.

8 To go and bring in this extraneous source to counter
9 the expert's testimony does not appear to be relevant to the
10 matter before the Court.

11 THE COURT: Well, I'd be more concerned if I had a
12 jury here and had to decide a relevance question.

13 MR. McGOVERN: Sure.

14 THE COURT: I'm going to allow it. I'm going to
15 allow the document to come in and the question to be asked,
16 and I'll decide on whether its relevant later after I hear the
17 answer.

18 Okay.

19 MR. BURT: Thank you.

20 THE COURT: You may ask your question.

21 MR. BURT: Thank you, your Honor.

22 BY MR. BURT:

23 Q Let me read the statement to you at the bottom of 125 of
24 126 in context and just ask you whether you agree with this.
25 It says:

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1 "Therefore, during the infant and toddler years,
2 when cognitive growth and development are most rapid and
3 consequently least stable, total test scores should be
4 obtained at the time they are to be used in diagnosis or
5 disability determination. For children between the ages of
6 three and six, total test scores might reasonably be
7 considered valid for one year."

8 Do you agree with that statement?

9 A Yes. If I may explain the way I understand it.

10 Q Absolutely.

11 A What that's saying is that that score is a valid
12 reflection of that child's current functioning at the time. I
13 agree with it given this interpretation, but that score is a
14 valid reflection of the child's intellectual functioning at
15 that time.

16 But because of potential malleability and change in
17 a young brain, its possible that that score may not as solidly
18 reflect a life-long type of status. And so, they say to
19 really only rely on it for about three years.

20 What that means is not that we can't go back and
21 rely on that now, it means that that score, that level of
22 functioning, was only probably good for about three years.
23 But then in the record we've got additional testing afterwards
24 that carries it beyond that first three years that then
25 confirms that his general intellectual functioning has not

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1 substantially changed from that.

2 And so, yes, if that was the only score, I think, as
3 a provider at the time dealing with a child, you would want to
4 get a new score because that one becomes somewhat stale and it
5 could have changed. It may not have changed but could have
6 changed. And in the record we actually have that for us, so
7 it's not an issue.

8 Q And the reason it could have changed has to do with
9 cognitive growth, variability in cognitive growth and
10 development; correct?

11 A Yes.

12 Q Its got nothing to do with policy determinations or
13 anything like that has, it has to do with the brain
14 functioning in that age group?

15 A Yes because it can change at the very -- more so even
16 younger ages because you said here at three to six. As a
17 child gets older, things start to solidify more and more and
18 more so it is good to have follow-up testing.

19 Q It says thus administering -- well, the next sentence
20 says:

21 "Among children and adolescents between the ages of
22 6 and 16 total test scores should be considered valid for as
23 long as three years."

24 Do you agree with that?

25 A Yes.

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1 Q For the same reasons?

2 A For the same issue. Again, there could potentially be --
3 the younger you get more malleability there is. We're looking
4 backwards, and its kind of odd, but as the child develops, his
5 brain develops there is more chance for fluctuation in that
6 process earlier on than later on, although you can always have
7 external events that could change the functioning level and
8 make follow-up important. In this instance, we've got
9 repeated assessments that show stability.

10 Q Right.

11 And then the last age group they deal with they say:
12 "For adults age 18 to 50 living in stable conditions
13 and with stable health, total test scores should be considered
14 valid for as long as five years."

15 Do you agree with that?

16 A I think to just rely on that, to agree with that without
17 further context on the individual case would be wrong. So I
18 can't say I wholeheartedly agree with that, I think its just
19 as important or actually probably more important to look at
20 the context of the individual case.

21 Q But, in general, you agree with me that the scores at age
22 six and probably at age nine are not going to be valid as
23 predictors of his I.Q. at age 18, correct, or predictors of
24 his I.Q. in 2003 at the time of the crimes?

25 A No, I wouldn't agree with that.

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1 Q You would or would not?

2 A I would not.

3 Q And the reason you wouldnt agree with that?

4 A I believe its a valid predictor with the caveat that its
5 not going to be as precise as a measure much more proximal to
6 the time period we're thinking. It may be the same but it may
7 not be as precise.

8 Q Well, so you do disagree then with this statement when
9 they say, "Might reasonably can be considered valid for one
10 year."

11 What does the term "valid" mean to you?

12 A I don't disagree with that. I mean, I guess it would
13 depend on how you define valid. You asked me just a moment
14 ago, would it be useful for predicting and I would say, yes,
15 it is. But if you want to say if it doesn't stay at the exact
16 same number in the future, it would be invalid. I don't agree
17 with that, I think that the score still stands on its own as a
18 valid reflection of his functioning at that time.

19 Q His functioning at that time at age six. My question --
20 right?

21 A Yes.

22 Q My question is, is it a valid reflection of his
23 functioning in 2003?

24 A In this case, yes, it is because we have follow-up
25 testing that confirms that.

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1 Q All right.

2 But in and of itself, it is not a valid indicator.
3 Well talk about the subsequent testing, but if you just had
4 that score, the first score, you would agree that it would not
5 be a valid indication of his functioning in 2003 because of
6 the early age at which that test was given; correct?

7 A Well, when you narrow it down with that type of focus I
8 don't know if I would agree then that it would be not a valid
9 reflection. I mean, it could be. It depends on the case to
10 depends on the context.

11 Q Why do you think they give triennial evaluations to kids
12 in Special Ed.

13 A Because they are specifically trying to help these kids
14 and they want to try to see if they can document improvements
15 in their functioning particularly related to achievement
16 issues. Its very important.

17 Q Isnt one of the reasons because you, per this
18 recommendation, youre not going to have a valid score after a
19 couple of years. You've got to keep retesting to get a valid
20 score.

21 If youre trying to assess someone's intellectual
22 functioning at any given point in time, you want to look at a
23 score around that time, do you not?

24 A I've got to parse out your question, you have several
25 different clauses in there.

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1 If you want -- the best I.Q. score is the one you
2 can get now. I mean, that's going to be the best one.

3 Generally speaking, all things else considered being equal.

4 Q In other words, if youre trying to assess someone's
5 intellectual functioning today, the best score you can get is
6 the one you take today; right?

7 A Yes, I think its stands to pretty obvious reason.

8 Q Okay.

9 So the question is, can you take a score at age six
10 and use it as a valid predictor of what his I.Q. score would
11 be in 2003?

12 A I would say you can use it as a valid predictor. Again,
13 barring other intervening events, cars accidents, you know,
14 whatever that may have changed the person's functioning.
15 Barring that, I think you can use it as a valid predictor of a
16 general level to say that its going to be the exact same
17 number, no, I wouldnt go that far. But I that I its a valid
18 predictor of general level of functioning.

19 Q And what would the error rate be when youre considering
20 scores that far apart? In other words, if you just had that
21 one score that was in '89, I believe, and you were trying to
22 February out his intellectual functioning in 2003, what error
23 rate would you given distance 2003 those two scores?

24 MR. McGOVERN: Objection, relevance.

25 That's not the case here, right? I mean, we have

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1 eight scores in between that six-year-old and that 2003 or
2 seven scores. So what's the relevance of the likelihood of
3 a -- of some other case in some other courthouse that has one
4 score at age six being the same at 18. Here this is an
5 entirely irrelevant exercise.

6 THE COURT: I'm going to sustain the objection. Its
7 too problematical.

8 Ask another question.

9 MR. BURT: Sure.

10 THE COURT: Following on to what we have before us
11 today.

12 BY MR. BURT:

13 Q So just to clarify your position. When they say in the
14 manual, "Total test scores might reasonably be considered
15 valid for one year if they were given between the ages of
16 three and six," you would disagree and say, no, they are
17 valid, there may there may be some considerations that you
18 take into account. But, in general, you would disagree with
19 that statement?

20 A I'm not sure I understand what youre trying to -- what
21 youre getting at in the question.

22 Q Okay, let me ask it again.

23 Do you agree with the statement, "That for children
24 between the ages of three and six, total test scores might
25 reasonably be considered valid for one year."

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1 A Again, if youre looking back on it, its valid for that
2 time. If we were there at the time and wondering how good is
3 this score going to last us before we need to get another one,
4 I think its reasonable to get another one within a year or
5 two. Sure, I think that's fair. But then to say that its
6 completely invalid I think it s an overstatement, that's all.

7 Q All right. So you disagree with it to the extent they're
8 saying that its not valid after a year?

9 MR. McGOVERN: Objection. He's explained his view
10 is on the subject.

11 THE COURT: That's sustained. Let's move on.

12 Q You said, well, in this case you don't have just a single
13 score, you have all these other scores; correct?

14 A Yes.

15 Q And for you that means that you can take those subsequent
16 scores into account and then look at all of the scores, and
17 you wouldnt draw a red line anywhere in the list of scores and
18 say scores at age six or age nine are not valid you'd want to
19 look at all of them; right?

20 A I think it would be foolish not to look at all of them.

21 Q In your report, this is at Page 44. You said, "The
22 overall consistency of intellectual tests, test finds," I
23 think you meant findings, as striking.

24 Do you see that?

25 A Yes. And that is correct, it should be findings.

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1 Q You say two assessments particularly stand out for
2 different reasons. The first evaluation is striking because
3 it is the first time Mr. Wilson was exposed to any type of
4 intellectual assessment; therefore, it is free of possible
5 retesting effects for some of the performance retests -- some
6 of the performance subtests. Right?

7 A Yes.

8 Q So there you're focused on the score at age six and you're
9 saying that is a significant score because you don't need to
10 worry about what effect practice effects is having on
11 elevating that performance score; right?

12 A Yes.

13 Q And, yet, you told me a minute ago that the early score
14 is something that is still valid because you have the
15 subsequent scores, and that's why the early score is important
16 to you.

17 Do you see a contradiction there?

18 A I don't.

19 Q Okay.

20 Now, the later scores, the possible retest effects
21 of some of the performance subtests. There you're referring to
22 the effect that practice, repeated practice, can have on
23 elevating the performance aspect of the test; right?

24 A Well, particularly. I mean, the second one, two years
25 later because it's not as novel to him as it was the first

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1 time. That's what I'm really focusing on in my mind when I'm
2 writing this.

3 Q And youre not focusing on what we talked about yesterday,
4 progressive error; that is, giving it to him eight or nine
5 times?

6 A Right. I'm not sure that there's solid data showing that
7 there is an ongoing effect of progressive error.

8 You mentioned Kaufman, and from what I can recall
9 reading that error or that retest effects typically fall away
10 after the second administration because of the novelty has
11 worn off.

12 Q That's a little different than what you said yesterday;
13 right?

14 A I'm sorry.

15 Q Yesterday, you were agreeing that there was progressive
16 error, and today your position is, well, we're not so sure
17 there is such a thing.

18 A No, I was agreeing that Dr. Kaufman describes this notion
19 of progressive error that could potentially get into it, and I
20 agree that that's potentially a situation. And I'm not saying
21 that it is because I don't think we have any data that
22 demonstrates that as a scientific fact.

23 Q Okay.

24 Does it make sense to you that the general concept
25 of practice effects is that you were going to -- if youre not

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1 going to learn the specific items, novelty of it is going it
2 wear off.

3 Does that make sense to you?

4 A Oh, I agree. Yes, I agree the novelty will wear off and
5 that will wear off in pretty short order. I mean, to say the
6 novelty gradually wore off over several years I don't think
7 that's what I'm saying. I think the novelty would wear off
8 rather quickly.

9 Q Rather quickly and I think yesterday you said seven years
10 is what the literature showed?

11 A That's a different issue that's test/retest, okay. That
12 after seven years that practice effects typically falls away.
13 That's not what talking about here.

14 Q Yes, we are. We're talking about practice effects. I
15 thought you said yesterday the literature was seven, up to
16 13 years, youre still going to get a practice effect; right.
17 Didnt you say that?

18 A I'm sorry, I thought we were talking about Dr. Kaufman,
19 right? The notion of progressive error as is multiple
20 statements as opposed to just test/retest.

21 Q Right.

22 A And that test/retest is typically talking about one, two,
23 or three weeks time difference and not even one year. But the
24 research suggests that after about seven years its pretty much
25 fallen away.

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1 Q Okay.

2 And the concept of practice effects, that is, that
3 as you give the test more than once the novelty is going to
4 wear off. Does it make sense to you, just common sense, that
5 if you give the test eight times its even going to be less
6 novel.

7 Is there any dispute about that?

8 A I don't know that that's -- I mean, its a reasonable
9 hypothesis. I don't know if there's any data to show that's
10 the case. It could be just simply of the novelty wears off
11 and I think -- I mean, at least my recollection of what
12 Dr. Kaufman has written is that that novelty does wear off. I
13 mean, it doesn't really play as much of an effect later on.

14 Q And did you look a Duke Stability Study that he cites in
15 his book?

16 A No, I did not.

17 Q Do you have any literature to suggest that he's wrong
18 when he says that as you give the test more and more times
19 youre going to get greater and greater progressive error?

20 A Again, I said I don't believe that there's any data to
21 tell us for sure one way or the other on that issue.

22 Q Other than what he cites; correct?

23 A Well, I don't know that he's citing progressive error. I
24 think he's describing the concept, but I don't know that he's
25 citing progressive error or the data showing progressive

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1 error.

2 Q Can you look at it and see what he cites there?

3 A In this blue book?

4 Q Yes.

5 A I can if you'd like me to. Do you have a page? Do you
6 know or it is?

7 Q Yes. 262.

8 A I'm sorry, 260 something. Mine is not complete, it goes
9 up from 200 and up into the three hundreds.

10 Q I'm sorry, it was 163. Having these practice effects on
11 progressive error in Wechsler's performance scale.

12 And specifically, where he says on Page 165, "When
13 individuals are tested repeatedly in Wechsler's performance
14 tests, they no longer measure the kind of intelligence that
15 thrives on novel problem solving tasks with visual spatial
16 stimuli; and it becomes questionable whether they measure
17 intelligence as opposed to a combination of mental ability,
18 long-term memory, and the ability to apply learning sets.

19 Do you see that?

20 A I'm sorry, no, I don't. I'm still trying to find it.

21 Q Okay.

22 Well, his data is what it is and you can't cite any
23 data to contradict to, can you?

24 MR. McGOVERN: Objection to that, your Honor.

25 THE COURT: Sustained.

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1 Q Lets move on to another topic if we could.

2 Yesterday, I was asking you whether you agreed
3 with --

4 THE COURT: It doesn't help him if it doesn't point
5 down. There you go.

6 Q Yesterday, I was asking you whether you agreed that the
7 scores in this case could be affected by various sources of
8 error.

9 Do you recall those questions?

10 A Yes.

11 Q And we talked about practice effect, well talk about the
12 Flynn effect in a moment. But another factor that Dr. Shapiro
13 cited was comparability of scores from different tests or
14 different versions of the same test.

15 You agree that that can be a source of variability
16 in testing?

17 A A source of variability in test scores across different
18 instruments.

19 Q Yes.

20 A Potentially, yes.

21 Q And, specifically, you can get variability of scores just
22 when you switch one from one version of the WAIS to the next;
23 right?

24 A Yes.

25 Q Do you know why that is?

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1 A Well, it can be a number of things. I mean, its been
2 hypothesized several things, a listing of things, is to cause
3 that change.

4 Q For instance, the properties of the test can be
5 different?

6 A Yes.

7 Q Right.

8 And are you familiar with the study that Dr. Shapiro
9 cited the Vance Study which found that the WISC-III has
10 typically produced a five- to eight-point lower than the
11 WISC-R on most special education populations?

12 A Yes, I see that.

13 Q Do you agree with that? That that's what the data shows?

14 A Yes. I don't disagree that it can show that.

15 Q And that's the pattern they've shown in this case. He
16 got a higher WAIS-R than I got a WAIS-III score?

17 MR. McGOVERN: I object to this, your Honor. This
18 is excerpting articles that are part of a PowerPoint that
19 Dr. Shapiro never really actually got through.

20 Now, look, it was offered in evidence and we said,
21 sure, you want to put it in evidence, put it in evidence. But
22 Dr. Shapiro didnt actually testify to, as best my recollection
23 during his testimony. So now what we have is bits and pieces
24 of an article, right? This isnt even -- we got like, for
25 instance, we have all of Kaufman's book here in evidence.

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1 Now, we have bits and pieces of an article that are being
2 pulled out and being presented this witness as if Dr. Shapiro
3 has validated this information and I just don't think its fair
4 cross-examination.

5 MR. BURT: The article is in evidence, I believe, in
6 Dr. Shapiro's binders, and its not bits and pieces. If he
7 wants to disagree with the quote along the lines of what
8 counsel is suggesting he's certainly free to do that.

9 THE COURT: Why don't you ask him if he's familiar
10 with the article.

11 BY MR. BURT:

12 Q Are you familiar with this article by Dr. Vance?

13 A That specific one, no.

14 Q Do you agree that in general the literature that the
15 WISC-III typically produce a five- to eight-point lower score
16 than a WISC-R?

17 A I know that it tends to decrease it to some small amount.
18 I don't recall it going up to five to eight I.Q. points.

19 Q And do we know why it decreases it?

20 In other words, its not because its got nothing to
21 do with the person being tested, right?

22 Its got something to do with the test construction?

23 A Likely, the way the test is constructed and the
24 way -- yes, I suspect so.

25 Q That's well known in the literature, right? There's lots

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1 of studies in which they take an older instrument and then
2 compare it to the results on a newer instrument?

3 A Yes.

4 Q And what, in general, is the pattern you see in those
5 studies?

6 A Generally speaking, you see a little bit of a decrease.

7 Q Decrease?

8 A Yes.

9 Q And can you explain to me why you get a decrease as you
10 go from one instrument to the next?

11 A Well, it can be a variety of reasons. It could be
12 different ways the test is standardized. It could be changes
13 in the subtests. It could be changes in the ways the items
14 are scored or various things. And, of course, one option to
15 consider is what has been termed the "Flynn effect."

16 Q The Flynn effect?

17 A Yes, sir.

18 Q Now, the test that you gave is much different than all of
19 the other WAISs that were given in this case; correct, in
20 terms of its basic -- the way its set up?

21 A I don't necessarily agree with that characterization, no.

22 Q Well, all -- the WISC-R, the WISC-III, the WAIS-III all
23 have verbal and performance I.Q.s; correct?

24 A Yes.

25 Q The WISC-IV that you gave does not; is that true?

Denney - Cross/Burt

1 A I didn't give the WISC-IV.

2 Q Not the WISC-IV, the WAIS-IV?

3 A The WAIS-IV. The difference is, and let me clarify, yes,
4 correct, the labels have changed because they're getting at
5 the construct slightly differently. Although that construct,
6 the way its measured on the WAIS-IV, is also present in the
7 WAIS-III. Its just there are four different constructs within
8 the test that are then combined into two global measures of
9 the I.Q. and the PIQ in the case of the WAIS-III. And in the
10 WAIS-IV, it separates that out a little bit and renames them.
11 But for all practical purposes it's measuring the bulk of the
12 same construct.

13 Q What literature do you have that substantiates that
14 statement that you just made, that its the same construct.

15 A There are factor analytic studies in the WAIS-IV manual
16 that demonstrate that fact as well as a follow-up study, oh,
17 the authors Millis, Larrabee.

18 Its a factor analytic confirmation of the WAIS-IV, I
19 can't remember all the authors' names. But it verified that
20 the factor analytic construct of the WAIS-IV actually matches
21 the factors of the WAIS-III.

22 Q So other than the Manufacturers Study, you know of only
23 one other study that says that the factors are the same?

24 A Off the top of my head.

25 Q Okay.

Denney - Cross/Burt

1 A I'm not saying that there are not others.

2 Q Do you agree that the -- did you read the Neurology
3 article that was cited by Dr. Shapiro?

4 A Yes, I am familiar with that.

5 Q You are familiar with that?

6 A Yes.

7 Q Okay.

8 Do you agree that the emphasis on rapid solution,
9 that is, that testing -- speeding performance has been
10 decreased in the WAIS-IV?

11 A There are some changes in that way that are small but,
12 yes, they are changes.

13 Q Do you agree that the number of time bonus points on
14 several of the subtests that you gave have been reduced or
15 eliminated?

16 A Yes, for the higher functioning, higher-level functioning
17 items.

18 Q Do you agree that since psychomotor slowing is a core
19 feature of many forms of brain injury, the WAIS-IV should be
20 expected to yield fewer full-scale I.Q. scores of 70 or below
21 in neurological populations compared to its predecessor?

22 A I believe that that's what they're saying but I don't
23 believe that that's been borne out in the research.

24 Q And do you agree with their statement in that article
25 that it has not yet been demonstrated as of 2010 when that

Denney - Cross/Burt

1 article was written that the performance of verbal of the
2 earlier tests are the same what's being measured in the
3 WAIS-IV, that its too premature to say that?

4 A I don't think it is too premature to say that at this
5 point.

6 Q In general, do the studies in the WAIS-IV, that have been
7 knows as the WAIS-IV. Also show a difference when you test
8 for the WAIS-III and the WAIS-IV?

9 A Difference in what?

10 Q Difference in scores.

11 A There are slight decreases in the overall summaries
12 scores.

13 Q And do we know why those changes take place?

14 A Again, for the same likely reasons we mentioned earlier.

15 Q Now, you looked at all the scores in your -- that were
16 given to Mr. Wilson; correct?

17 A Yes.

18 Q And when you did testing of Mr. Wilson you believed he
19 was using his best efforts?

20 A Yes. I think he was applying himself reasonably well
21 with me.

22 Q And you don't think there's any indication, for example,
23 in Dr. Drobb's score that he was trying to underestimate his
24 abilities. At least you didnt mention anything in your
25 report?

Denney - Cross/Burt

1 A I did not mention anything in my report. Subsequent from
2 that time, I realized that his finger tapping scores were
3 strikingly low which raises some concern for me that he may
4 not have been applying himself as best he could in the
5 motor-speeded areas. But I wouldnt want to put too terribly
6 much weight on that in and of itself.

7 I think his verbal list learning -- I also
8 subsequently learned about the list learning that was done
9 during the PET Scan and that difference raises some concerns
10 be some because that would suggest that his verbal learning
11 wasnt up to speed with Dr. Drobb as much as it should have
12 been.

13 So, I would have to say since writing my report I
14 have learned some things that now give me some pause in terms
15 of whether or not Dr. Drobb's data actually reflects
16 Mr. Wilson's best effort.

17 Q I see.

18 What was the full-scale I.Q. that Dr. Drobb
19 obtained?

20 A I have it listed here in my report as 76.

21 Q Seventy-six.

22 Did Mr. Wilson, on any of the scores that he took,
23 get in the low 60s on either verbal performance or full-scale
24 I.Q.?

25 A No.

Denney - Cross/Burt

1 Q You remember in the Northington case in Pennsylvania this
2 issue of malingering I.Q. scores came up, did it not?

3 A Yes, I did.

4 Q You gave the opinion that he was malingering low I.Q.;
5 right?

6 A Yes, sir.

7 Q Scored 63 and 67, I believe; right?

8 A Something like that. I'm not sure at this point.

9 Q And in your testimony experience, you spend -- you've had
10 a lot of cases, in fact, probably a great majority of cases
11 where part of your testimony has featured the opinion that the
12 client is malingering or he's got what's called a negative
13 response bias; right?

14 A I would say much of my testimony has addressed the issue
15 of whether or not somebody is -- reflects malingering or
16 negative response bias or poor effort or something like that.
17 But I don't know that that great percentage of cases where
18 I've concluded that they were malingering.

19 Q Well, in every case where you testified for the
20 Government you pretty much uniformly said, we can go through
21 the transcripts if you'd like, that the client is malingering.

22 You said in -- is it Northington; right?

23 A Yes, in Northington.

24 Q And you said it in a lot of other cases where you've
25 testified, isnt that true?

Denney - Cross/Burt

1 A Over 20-something years there have been a number of them.
2 But there's been a number of cases where I said the individual
3 was not malingering as well.

4 Q For instance, in this case, you didnt say that Mr. Wilson
5 was malingering until just now when you suggested that, well,
6 maybe there's some concerns about the score with Dr. Drobb?

7 A I didn't say Mr. Wilson was malingering. I said there's
8 some concern that those scores reflect his best ability.
9 That's not malingering, that's just not full effort. I'm not
10 saying that he was malingering and I wouldnt go so far to say
11 that. I just said that it gives me some pause.

12 Q You studied that issue; right? Written about it and
13 studied it?

14 A Yes.

15 Q And your testimony in the Northington case was that the
16 studies show that when people simulate low I.Q. or mental
17 retardation that they produce I.Q. scores in the low 60s?

18 A Most commonly it falls within that range, yes.

19 Q When you reviewed the literature on that, and you say
20 that when somebody simulates intellectual deficiency, in
21 essence, they drop their scores down into the low 60s and the
22 range falls, the ranges fall in that range. That's what
23 you've testified to; right?

24 THE COURT: Can I have a citation to a page, a date?

25 MR. BURT: Yes, Your Honor.

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1 THE COURT: And so on.

2 MR. BURT: Page 78. And it is lines 17 through 25.

3 THE COURT: What's the date?

4 MR. BURT: October 18, 2012, United States versus
5 Steven Northington, United States District Court for the
6 Eastern District District of Pennsylvania.

7 THE COURT: Thank you.

8 BY MR. BURT:

9 Q You testified to that right?

10 A I testified to it. What I was saying was that the
11 research shows that most commonly when people are trying to
12 malingerer intellectual or malinger, the I.Q. scores fall in
13 the 60 range.

14 Q Okay.

15 You don't have that consideration here, right, in
16 regard to Dr. Drobb's scores or anybody else's?

17 A Yes, I don't think there's indication that he malingered
18 on this. I was simply saying that there was some indication
19 that he may not have been giving his best effort or really
20 trying as hard he should have been.

21 Q Even though Dr. Drobb's scores consistent pretty much, if
22 you take into account confidence intervals, with all the other
23 scores he should have gotten?

24 MR. McGOVERN: Objection to this, your Honor, and
25 here's why.

Denney - Cross/Burt

1 Relevance. Finger tap is not part of the WAIS,
2 right? And list learning is not part of the WAIS. So the
3 malingered evidence or the not-best-effort evidence has
4 nothing to do with this score that Dr. Drobb got on the
5 overall I.Q. scores.

6 There's evidence, clear evidence, in the record that
7 the defendant wasn't giving best effort on perhaps other tests.
8 But this has no effect on the overall score of 76.

9 THE COURT: I think I understand.

10 MR. BURT: Okay.

11 THE COURT: Just move on.

12 MR. BURT: Sure. Okay.

13 BY MR. BURT:

14 Q Now, you suggested that one of the reasons why scores
15 vary when you give new editions of it is because of the Flynn
16 effect; right?

17 A That could be one possibility, yes.

18 Q And let's talk about that for a minute.

19 I quoted you yesterday your standards for
20 educational testing that don't say don't use aged norms?

21 A I believe the standard is they don't use out-dated
22 tests.

23 Q Don't use outdated...

24 This is Page 51 of the Standards For Educational and
25 Psychological Testing. "The appropriateness of norms based on

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1 a given sample may diminish over time; thus, for tasks that
2 have been in use for a number of years, periodic review is
3 generally required to assure the continued utility of norms.
4 Renorming may be required to maintain the validity of norm
5 reference test score interpretations."

6 That's what it says; right?

7 A Yes. In context of that book, its saying, use the tests
8 that are available to you that have been the most recent
9 norms.

10 Q And you provided the article that the Government marked,
11 that Hagen article, to them?

12 A Yes.

13 Q However, you also, when you gave them that article, said
14 that there were articles on the other side controverting what
15 Hagen was saying; correct?

16 A Oh, yes. The issue is an unsettled one at this point in
17 my opinion.

18 Q In your opinion?

19 A Yes.

20 Q Right.

21 And you also told the Government that you thought
22 that there were reasonable objections from both sides?

23 A Yes.

24 Q Right.

25 And one of the articles contradicting that Hagen

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1 article is published in evidence as Exhibit I, Dr. Fletcher's
2 article, "I.Q. Scores Should Be Corrected For the Flynn Effect
3 in High Stakes Decisions."

4 A Yes.

5 Q You've read that and considered it; right?

6 A Yes.

7 Q And one of the things, and they specifically respond to
8 Hagen's article, don't they?

9 A I believe so.

10 Q They say, "Some argue that correcting for norms
11 obsolescence is not a standard of practice." Citing Hagen
12 2008 and 2010.

13 "However standards of practice are set by consensus
14 reports written by experts. The most prominent guideline for
15 the assessment of ID represent the 11th edition of the Manual
16 For Diagnosis by the American Association of Intellectual and
17 Developmental Disabilities not cited by Hagen.

18 Since 2002, this manual has explicitly recommended
19 correcting I.Q. scores for norms obsolescence with other
20 researchers agreeing." And they cite all the other
21 researchers agreeing.

22 Do you disagree with that analysis?

23 A I don't disagree with the analysis, I disagree with the
24 overarching inclusion of it at this point. There is more to
25 my concern about the application of the Flynn effect than

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1 whether or not its customary or standard and practice at this
2 point.

3 Q For instance, you use tests in your practice that if you
4 went by a strict nose count of other people in the field,
5 there might not be a majority of people using a particular
6 instrument that you use; right?

7 A Yes, that's very possible.

8 Q So that doesn't mean that the instrument youre using or
9 the whatever technique youre using is invalid, does it?

10 A Well, I mean, that's a different issue, isnt it, than
11 what we're talking about now.

12 Q In your field in neuropsychology, do you decide the
13 validity of a test or a procedure or methodology by taking a
14 public opinion poll?

15 A No, by looking at the data and what the research findings
16 suggest.

17 Q Is there any dispute that the Flynn effect is real. Does
18 everybody on both sides agree that its a real phenomenon?

19 A I don't think there is much doubt that its a phenomenon
20 that there are findings in the data that have gone back for
21 many years showing there's these trends in the data.

22 The concern I have about applying the Flynn effect
23 in a particular individual case is that while there's data
24 showing that the I.Q. points will go up a certain fraction
25 over time, if you were to slice that particular group, even

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1 slicing different I.Q. bands out. And this was, I thought,
2 even displayed pretty well in the Tzou, Tzu, and Weiss paper.

3 All the individuals in that group, the mean has gone
4 up by the incremental amount but the spread of scores is wide
5 and about 25 percent of them actually don't go down, they go
6 down. And so, to apply a mean adjustment to a particular
7 individual case, in my opinion is problematic, and off the top
8 of my head I could think of other individuals who agree with
9 that. Robert Sternberg said the Flynn effect appears to apply
10 in the aggregate but it's extremely difficult to apply in an
11 individual case. That's my concern.

12 Q Yes. And that argument has been made in courts -- and
13 did you read the Davis opinion?

14 MR. McGOVERN: Objection.

15 THE WITNESS: No.

16 THE COURT: Sustained.

17 Q Now, did you reference the Tzou article that's in
18 evidence as Exhibit J?

19 A Tzou, Tzu, and Weiss?

20 Q Yes?

21 A Yes.

22 Q What they showed in that article was the Flynn effect
23 actually increased more than the .33 adjustment that was made
24 in this case for the 80 to 89 and lower I.Q. groups; right?

25 A Again, it varied by I.Q. range.

Denney - Cross/Burt

1 Q Yes.

2 A And I said, yes, the overall mean effect increased, but
3 when you looked at the spread of scores, a mean is a measure
4 of central tendency. There's also measures of score
5 dispersion, how far the scores go out. And when you look at
6 the individual I.Q. bands that they're highlighting there I
7 think its informative because you see the mean increment
8 increase in the I.Q. score. But the standard deviation is
9 much larger than that mean increase. In other words, the
10 variability is much larger than the change in the mean which,
11 to me, raises some concerns about the utility of the data.

12 So I just simply have some concerns, I don't
13 disagree that there is a Flynn effect, I agree there is. At
14 this point I think its just not immature, excuse me, its
15 premature to start applying it across the board and then to
16 carry it further and say, well, okay we're not going to apply
17 it across the board but we're only going to apply it in
18 forensic cases that just troubles me.

19 Q Okay.

20 Although it troubles you that what they recommend in
21 the Tzou article is early indications appear to favor slightly
22 larger adjustments in the lower range of scores where high
23 stakes legal evaluations are most likely to occur. That's
24 their recommendation?

25 A That's their recommendation based on their set of data.

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1 Q Right. And their set of data shows that the I.Q. gains
2 in the 80 to 89 and below range are greater than .40 per year;
3 right?

4 A Yes. Their data, which is an interesting point, because
5 the data over the years have shown a wide variation in the
6 amount of the Flynn effect. And even Flynn's own
7 recommendation of .3, his basis as a conglomerate or average
8 of those that's correct.

9 Q And their point is, lets not disregard the Flynn effect,
10 lets be more precise of where those effects really matter,
11 right, in what I.Q. ranges do they matter?

12 A And that's an excellent observation and we need to see if
13 that is borne out with follow-up studies and we need to
14 solidify this area of scientific investigation before we start
15 jumping out and applying it to individual cases. That's the
16 only argument I have.

17 Q And, as you said, the other arguments on the other side
18 are equally reasonably; correct?

19 A Well, we could debate it. Is it equally reasonable?
20 There are reasonable minds that are differing in this
21 situation.

22 THE COURT: Okay.

23 Q Your conclusion which you told the prosecutors was you
24 see reasonable arguments on both sides?

25 A Yes, regarding the Flynn effect.

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1 Q And regardless of these debates in the literature, the
2 best practice of standard is set forth in the Green Book is
3 that you do make the adjustment; correct, is there any dispute
4 about that?

5 A There is no dispute about the Green Book saying you
6 should use that. I do have some disputes as to suggesting
7 that everything that is said in the Green Book is what should
8 be done. However, I agree with you the Green Book says to use
9 that adjustment.

10 Q Okay.

11 Are you familiar with the Cunningham and Vaughn
12 Recommendations For Forensic Practice in the Journal of
13 Psychiatry and Law 2009?

14 That's in Exhibit A, I'm sorry, Exhibit B?

15 A Yes, I am vaguely familiar with it.

16 Q Okay.

17 And what they say is at, Page 151, "The recognizing
18 that there is debate among forensic practitioners regarding
19 this issues, as well as inconsistent court rulings, we believe
20 that the Flynn effect has gained sufficient scientific
21 acceptance that this factor should be described in Atkins
22 assessments, and that Flynn corrected I.Q. scores including
23 the 2.34 adjustment of WAIS-III full-scale I.Q. should be
24 reported in addition to observed scores.

25 This recommendation is consistent with providing the

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1 Court scientific perspectives that would facilitate a more
2 complete understanding of I.Q. scores."

3 Do you disagree with this recommendation?

4 MR. McGOVERN: I'm going to object to this, your
5 Honor. Mark Cunningham, who is one of the authors of this
6 article, would have been available to the defense. I am not
7 even -- I may actually have read something that they -- I
8 don't even know if he testified in the sentencing in this
9 last -- he may have testified at the sentencing of this
10 last -- in the case but he was certainly noticed as a
11 potential witness for the defense back then.

12 MR. BURT: Your Honor, this article is in evidence,
13 so I'm not sure what the objection is at this point. I'm just
14 asking whether this expert agrees with this recommendation.

15 MR. McGOVERN: All right. Well, then the objection
16 is having this expert in forensic and clinical psychology
17 testify as to the applicability of the Flynn effect as a legal
18 matter is inappropriate.

19 THE COURT: Yes, I think that I would agree with
20 that. This was about its application to an Atkins proceeding
21 or decision in an Atkins case. His view is his view and I
22 will take it into account as part of the record.

23 Thank you.

24 MR. BURT: Thank you. That's all I have.

25 THE COURT: Thank you.

2005

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1 Redirect?

2 MR. BURT: We would move Exhibit U into evidence.

3 Your Honor, there is one thing I neglected, if I
4 could.

5 THE COURT: Okay. Any objection to Exhibit U?

6 MR. McGOVERN: U, the Social Security Administration
7 stuff.

8 THE COURT: Yes.

9 MR. McGOVERN: No objection.

10 THE COURT: All right. Exhibit U is received in
11 evidence without objection.

12 (Defendant's Exhibit U was marked in evidence as of
13 this date.)

14 BY MR. BURT:

15 Q During your course of involvement in this case you
16 brought a number of articles to the Government's attention.
17 Attention in the course of preparing to testify here; correct?

18 A Yes. I've spent over 260 hours providing consultation in
19 this course trying to help educate the attorneys on this very
20 technical area.

21 Q And was one of the articles that you brought to their
22 attention, and something they should read, an article by Ollie
23 Seay called "Evaluating Mental Retardation For Forensic
24 Purposes"?

25 MR. McGOVERN: I'm going to object to this line.

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1 The reason is its because he's now going to attempt to draw
2 conclusions out of articles that were sent. But one thing I
3 think is actually even more material to this objection is the
4 fact that Mr. Burt is using e-mails that the Government
5 produced to him pursuant to 26.2 now to cross-examine a
6 witness; and, to date, the Government has received absolutely
7 zero e-mail contacts between Mr. Burt, the defense team, and
8 his experts.

9 Now, I know we raised this awhile ago but I find it
10 absolutely fascinating that he has no such e-mail contact with
11 his witnesses, especially since he fought it so hard at the
12 beginning of this case to not have to produce it.

13 THE COURT: I don't know what the objection is.
14 What's the objection?

15 MR. MCGOVERN: Improper cross-examination based on
16 the fact that he's just going to take articles that were
17 attached to e-mails and use them to cross-examine the witness.

18 THE COURT: Well, I'm going to overrule the
19 objection. You can ask your question. I don't know what
20 relevance this has but maybe Ill find out.

21 MR. BURT: Your Honor, can I approach the witness?

22 THE COURT: Yes, you may.

23 (Approaching the witness.)

24 Q Showing you what I've premarked as Exhibit V?

25 THE COURT: V as in victory?

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1 MR. BURT: V as in victory.

2 THE COURT: All right.

3 Q Is this an article that you read and forwarded on as
4 something that you thought was relevant to this case?

5 A Its one of a large number of articles I forwarded on to
6 try and help the attorneys have a better understanding of the
7 various arguments and issues related to this type of case.

8 Q Okay.

9 Now, in this case, your report is based on your
10 interviews with Mr. Wilson; correct?

11 A Yes.

12 Q And how much time did you actually spend interacting with
13 him aside --

14 Well, first of all, total time that you spent with
15 him?

16 A I spent from 9:30, I believe it was 9:30, on a Thursday
17 till about 3:30 with him straight through. And then on the
18 next Friday morning, I spent somewhere, approximately, two
19 hours maybe a little more than two hours together.

20 Q And in the period from 9:30 to 3:30 on the first day, how
21 much of that was taken up in the administration of the test?

22 A The bulk of it, I would say, that about 45 minutes to an
23 hour of the time was allocated for interviewing.

24 Q Was just interviewing?

25 A Yes, but I can't place an exact time on it but its

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1 something like that.

2 Q So how much total time you think you spent interviewing
3 Mr. Wilson as opposed to just giving him the tests?

4 A Keep in mind that just giving him the test we're
5 interacting and we're discussing issues as we go throughout
6 the whole process. Its not just silence in between tests --

7 Q Right?

8 A -- we're interacting and doing things like that. I'm
9 seeing his behavior over an extent tended period of time. And
10 to answer your question, if I were to just parse out the time
11 we were talking about other topics such as his history and how
12 he's doing and things like that. If you combine the two days
13 together, it might equal an hour and a half.

14 Q Hour and a half total?

15 A Yes, of just conversation about -- or clinical
16 interviewing, I should say.

17 Q And, in your practice, at least when you were working at
18 Springfield you had a lot of cases where you came into court
19 and you testified that you were able to give the Court the
20 benefit of your observation of the defendant over an extended
21 period of time; correct?

22 A That was nice.

23 Q Yeah. In other words, the court sends people out to
24 Springfield, they're typical there, what, 60, 90 days
25 sometimes longer?

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1 A Usually 30 days. Most of the 18 U.S.C. Section 40, 1, 2
2 type studies 30 days for competency-related issues, 45 days
3 for sanity.

4 When the individuals were sent for competency
5 restoration those individuals could stay there for, typically,
6 three months, a 90-day period although it could be renewed if
7 there was hope that they were progressing and could become
8 competent.

9 Q The point is, you have, in those situations, an extended
10 period of time over which you could observe the client and
11 compare his performance in custodial settings to what your
12 testing shows?

13 A Yes, that's right.

14 Q And one of your themes in all of your cases where you
15 testified is that real-world functioning always trumps test
16 scores?

17 A That's exactly; right.

18 Q Okay.

19 So you like to look at how somebody is functioning
20 and sort of compare that to what the test scores are, and if
21 there's any discrepancy the functioning always trumps the
22 scores?

23 A The context of that notion is when you have very, very
24 poor test scores; and yet, you see a level of functioning not
25 just in a hospital setting but also in daily life setting that

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1 exceeds that very poor score, the real-world functioning is
2 going to trump the psychological test results.

3 Q Okay.

4 A That's the context of it. I agree with that, yes.

5 Q And just in general, in this case, the real-world
6 functioning is being looked at in the context of the
7 developmental period correct the period from birth to age 18?

8 A Well, in terms of onset for potential consideration of
9 intellectual deficient; however, the question of going to the
10 question of whether or not Mr. Wilson has intellectual
11 deficiency is broader in those years because you can see a
12 level of function that might be after 18 but also may be
13 inconsistent with having intellectual deficiency. So I
14 wouldnt narrow the real-world functioning down to just the
15 first 18 years.

16 Q And in your adaptive functioning testing in this case, as
17 I understand it you were having the various informants focus
18 on specific ages that you wanted to focus on; correct?

19 A Well, it wasnt specific ages that I wanted to focus on
20 necessarily. Again, we got to put this in context with what
21 they're trying to do in a retrospective review using normative
22 measures.

23 We have to narrow down the recollections to a
24 discrete period of time because we are then going to apply
25 norms for individuals, say, children, for example, of that

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1 same age in order to get a better understanding of how that
2 functioning at that time equates to the larger population.

3 Q Right.

4 A So, yes, you have to do that. So it wasnt necessarily
5 that I wanted to then focus on a particular age time, I would
6 interview the individual and through that interview learn from
7 them what period of time they had the most contact and their
8 best recollection, and then I would focus on that period of
9 time.

10 Q And so, you would say to them, for instance, I want you
11 to tell me how Mr. Wilson was functioning, as an example, age
12 12 if that's a period of time youre focused on. And I want
13 you to think about it what your recollection is way back when,
14 whatever your period of time?

15 A Yes. And, again, that number 12 that you gave as an
16 example is not a number that I would have inserted into the
17 situation. It would have been after our conversation and the
18 individual tells me what area appears to be the best and then
19 we would discuss that and I would let them know the purpose is
20 because we do have to go back in time and your recollections
21 are needed to fill out this questionnaire or interview.

22 Q And you agree that just in general if you have
23 contemporaneous records showing what a person's functioning
24 is, and the records were compiled by people without any sort
25 of connection to Mr. Wilson, that that's a much better source

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1 of data than something somebody to reflect back, say, a family
2 member to reflect back on how he was at a certain age in his
3 developmental period.

4 A I'm willing to say that that's very informative
5 information, but I'm not willing to say across the board that
6 its more valid. It depends on what that information is and
7 what the context of it.

8 Q Sure.

9 A Yes, absolutely. The notion of looking at the entire
10 record, looking at real-world functioning at various periods
11 of time, even if there are no standardized measures to use, is
12 informative information.

13 Q And then, of course, you want to do an evaluation of the
14 person himself. You want to get your behavioral observations;
15 correct?

16 A Yes, I think its extremely important to come to a good
17 diagnostic inclusion of an individual to actually see them and
18 interview after you draw your conclusion, final conclusion.

19 (Continued on the next page.)
20
21
22
23
24
25

Denney - Cross/Burt

1 Q This article that you provided says on the first page:
2 "People with mental retardation are not a homogenous group.
3 They demonstrate tremendous variations and skills, abilities
4 and presentation. They may not have any overt appearance of
5 disability, and their cognitive difficulties may not be
6 detected until there is prolonged interaction with them.
7 Consequently, they may not be identified by law enforcement,
8 attorneys, or judges who, by and large, have little training
9 in recognizing mental disabilities."

10 Do you agree with that?

11 A Could you -- that sentence is where?

12 Q First page, second sentence.

13 A "Consequently, they may not be identified by law
14 enforcement, attorneys, or judges who, by and large, have
15 little training in recognizing mental disabilities." Yes, I
16 agree with that.

17 Q Okay. And do you think you had prolonged interaction
18 with Mr. Wilson within the meaning of that sentence?

19 A I don't think that sentence is discussing me because I
20 think when you deal with mental health professionals, I think
21 it's a completely different situation.

22 THE COURT: That sentence is discussing the court,
23 not the witness. We're not going -- I don't think that's --
24 we're not going in that direction.

25 MR. BURT: No, I --

Denney - Cross/Burt

1 THE COURT: The Supreme Court has said that
2 irrespective of whatever that quotation is, the court has to
3 make the decision. So now we're going into, you know,
4 philosophy. I don't want to engage in philosophy here. This
5 is not a philosophy seminar. We need to move on.

6 MR. BURT: Okay.

7 THE COURT: Please.

8 Q Do you believe that you had, in your interaction with
9 Mr. Wilson, prolonged interaction with him?

10 A Yes. In terms of clinical interaction, yes, I would
11 consider that prolonged interaction. I mean, I wouldn't say
12 it's as good as 30 days in an inpatient hospital setting, no.

13 MR. BURT: That's all I have. I would offer V in
14 evidence, your Honor.

15 THE COURT: Any objection to V?

16 MR. McGOVERN: It hasn't been identified for the
17 record I don't believe.

18 THE COURT: Why don't you identify it for the
19 record. I think it has, but go ahead.

20 MR. BURT: Sure. Article by Ollie, O-l-l-i-e,
21 S-e-a-y, Evaluating Mental Retardation for Forensic Purposes
22 in the Journal of Applied Psychology in Criminal Justice 2006.

23 MR. McGOVERN: No objection.

24 THE COURT: All right. Defense Exhibit V is
25 admitted into evidence without objection.

Denney - Cross/Burt

1 (Defendant's Exhibit V received in evidence.)

2 THE COURT: Redirect?

3 MR. McGOVERN: Yes, briefly your Honor.

4 REDIRECT EXAMINATION

5 BY MR. McGOVERN:

6 Q Doctor, in your review of the reports in this case, who
7 spent longer with the defendant before offering a diagnosis,
8 you or Dr. Shapiro?

9 A Well, my recollection from sitting through this hearing,
10 if I remember correctly after all this time, is that I spent
11 more time with Mr. Wilson than Dr. Shapiro.

12 Q Isn't it a fact that Dr. Shapiro did not meet with
13 Mr. Wilson at all before offering a diagnosis?

14 A That's my recollection.

15 Q You were discussing with Mr. Burt your views about --
16 perhaps views or concerns about the defendant demonstrating
17 best efforts during his evaluation by Dr. Drob.

18 Do you remember that testimony?

19 A Yes.

20 Q And then you previously testified about malingering and
21 written extensively about the issue of malingering. Correct?

22 A Yes.

23 Q Could you describe for the court or explain to the court
24 the difference between how you view malingering versus absence
25 of best efforts?

Denney - Redirect/McGovern

1 A Well, they clearly overlap. I mean, absence of best
2 effort is a notion of when you're dealing with achievement
3 type of tests, and I don't mean you use the word achievement
4 to mean only reading, writing, and arithmetic, I mean tests
5 that require effort to perform your best and then those scores
6 reflect a presumed best ability.

7 Effort in that regard, research clearly shows that
8 the lack of effort has a tremendous affect size; in other
9 words, lack of effort will significantly change those scores
10 inevitably to make it look worse than it really is by somebody
11 not applying one's self to the task.

12 That goes back to the notion we have to be careful
13 about what -- about how engaged somebody was in the testing
14 process in order to engage -- or to gauge the validity of
15 those results. So poor effort is one component in a larger
16 analysis of whether or not an individual could potentially be
17 malingering.

18 And, again, it gets real complicated because effort
19 even is a bad term. But when we're talking about, say,
20 neuropsychological testing or IQ testing, effort is a
21 reasonable term. A person could intentionally perform lower
22 than their best ability for a secondary gain and that would be
23 defined as malingering. How bad is bad enough to warrant the
24 diagnosis of malingering? That's a judgment call.

25 Q Okay. And yesterday afternoon Mr. Burt took you through

Denney - Redirect/McGovern

1 the series of the three domains that are mentioned in the
2 AAIDD book about the diagnosis of mental retardation as it
3 relates to adaptive functioning. Do you remember that?

4 A Yes.

5 Q And he also took you through the individual areas of
6 adaptive functioning that are referenced by the DSM and the
7 AAIDD. Do you remember that?

8 A Yes.

9 Q And you -- he asked you a series of questions, in which
10 in his review of each one of those functioning areas, whether
11 the defendant had deficits in those areas. Do you remember
12 that testimony?

13 A Yes, I do.

14 Q And you testified, I believe, that the defendant had
15 evidence of deficits in a couple of those areas, perhaps it
16 was a, communication, functional academics and perhaps some
17 others. Do you remember that?

18 A Yes, I do.

19 Q Well, given that testimony about the existence of
20 evidence of a deficit in individual domains or individual
21 functioning areas, does that change your opinion about whether
22 he is mentally retarded or not?

23 A No. An individual can have difficulties in a number of
24 these areas and not necessarily be mentally retarded. For
25 example, in Mr. Wilson's case, functional academics for

Denney - Redirect/McGovern

1 example, well, the record clearly shows he's had a pretty
2 significant verbally mediated learning disability from the
3 beginning, or at least certainly from the earliest records we
4 have, and that carried on through his academic career to a
5 large degree, although I think he has improved in that regard
6 quite a bit.

7 So having a low area there could be considered a
8 deficit, although I think it's more relevant for his earlier
9 years than it is when he was older because he seems to have
10 outgrown that or certainly learned to compensate for it.

11 Q Well, is the word deficit a term that's used throughout a
12 variety of areas of diagnoses of mental health problems?

13 A Yes, deficit is a term that is very broad. It can be a
14 lack of ability or a decreased level of ability due to any
15 number of causes. It -- for example, a person could have a
16 deficit in learning or memory that is a direct result of a
17 traumatic brain injury. That deficit may be significantly
18 impairing for the person or it may not be. It depends on how
19 one views the deficit and how much it impacts other cognitive
20 functioning. And the term deficit is even somewhat broad
21 because well, somebody who is functioning in the reasonably
22 good range and yet they have a learning and memory score that
23 is in the, you know, mildly impaired range, that would be
24 considered a deficit. It doesn't necessarily mean that they
25 have absolutely no ability in that area.

Denney - Redirect/McGovern

1 Q So in the testimony that you were providing to Mr. Burt
2 yesterday afternoon on this topic, were you seeking to
3 communicate to the parties and to the court that Mr. Wilson
4 had deficits that would be indicative of the existence of mild
5 mental retardation or some other form of mental retardation?

6 A No, I hope I didn't communicate that. That's not my
7 intent. I believe what we see in his life is that he has
8 significant difficulties from a learning disability that
9 affected his communication, when he was at a young age more
10 so. I don't think he's got communication deficits as a teen
11 and up to 18, I don't think that's the case. And it affects
12 functional academics for a broader range, but that's the
13 learning disability.

14 The social difficulties, I think at an early age I
15 would call that a deficit. But as he grew -- as he got older,
16 it clearly started to display itself in what would be termed a
17 conduct disorder and at that point I think that his
18 misbehavior really is more willful and I wouldn't want to
19 cover that in the term of he has deficits in social
20 interaction because he willfully violates the rights of other
21 people. I don't -- I don't want to communicate that.

22 MR. McGOVERN: All right, I have no other questions.
23 Thank you, Doctor.

24 THE COURT: Anything else?

25 MR. BURT: Yes.

Denney - Recross/Burt

1 RECROSS-EXAMINATION

2 BY MR. BURT:

3 Q Just to clarify that last point, what you told me
4 yesterday was you believed he had the deficits but you
5 disagreed with the green book that you can't consider the
6 cause of those deficits. Is that still your position?

7 A Well, when I was saying that, I was thinking of him at an
8 early age. I don't think that that's -- again, parsing out --
9 look, he's got these deficits, but the green book says that
10 you totally disregard the cause of those deficits in your
11 analysis regarding intellectual disability. I disagree with
12 that. I think you need to take that into consideration.

13 Q Okay. So it's not -- you're not saying he doesn't have
14 the deficits in the developmental period, you're just saying
15 in your view you need to rule out other causes before you
16 attribute it to intellectually disability?

17 A Well, I would actually go back to what I said in court,
18 basically is that up to the time -- by the time he was 18,
19 I -- it was -- it's my opinion that he did not have
20 significant deficits in adaptive function-based upon the
21 information I reviewed. He had worse -- he had worse
22 functioning at lower ages but he outgrew much of that.

23 My report, I think, is pretty clear in saying that
24 it is my opinion is that he does not have significant adaptive
25 function deficits now or prior to 18. I mean, prior to just

Denney - Recross/Burt

1 before 18, during his recent teenage years.

2 Q So, I'm hearing a little something different now, which
3 is not -- yesterday I thought you said he had the deficits but
4 they can be attributed to another cause and therefore they
5 don't count in intellectual disability. Now I hear you saying
6 he didn't have the deficits at all, except real early on.

7 A I'm --

8 Q Is that what you're saying?

9 A I'm sorry I'm not communicating very well.

10 Q Is that what you're saying now, is what I'm asking?

11 A What I am saying is that those areas of deficit that we
12 referenced are more pronounced at earlier ages. And at a
13 certain point, I don't know exactly when, but it gradually
14 changed to the point where his adaptive functioning is still
15 weak in some areas, but I don't know that I would call it a
16 deficit, at the time we get up into the 18 year stages that I
17 referenced in my adaptive functioning analysis.

18 Q Are you saying that at age 18 he didn't have deficits in
19 functional academics?

20 A Well, his academics, particularly as he came out of
21 Brookwood, he was still weak and still significantly behind.

22 Q Right.

23 A But to use the term deficit to suggest he has got total
24 inability in this area, which is really what more -- I'm still
25 not articulating very well.

Denney - Recross/Burt

1 He had residual signs of a learning disability at
2 that point. He was delayed in his academic skills largely
3 because of his lack of willingness to apply himself throughout
4 school. I don't think that that is directly tied to the
5 notion of having subaverage -- well, extreme -- significantly
6 subaverage intellectual functioning. I think that it is
7 getting closer to a range of low average borderline
8 functioning which by definition is slower -- would be -- would
9 result in slower academic functioning than what you would
10 expect.

11 Q Is what you just said, that you think his deficits in
12 academic functioning from about age six up to age 18 were
13 willful?

14 A No.

15 Q You're not saying that?

16 A No. I was talking about adaptive function in general.

17 Q And you think from age 18 -- the records that show 18
18 down to when he was born he didn't have social deficits in the
19 social domain, as you described yesterday.

20 A Well, now we're -- are we talking about academic or are
21 we talking about social?

22 Q We're talking about social. Because yesterday I thought
23 you were real clear that he had deficits in functional
24 academics and the second category in the DSM was, I forget the
25 exact phrase, in social -- social adjustment.

Denney - Recross/Burt

1 A And I think I did say that and I'm afraid that I may have
2 miscommunicated what I was really thinking.

3 Q Okay.

4 A Because what I'm really talking about is in my mind, I'm
5 talking earlier ages. And if you were to look now, yes, as he
6 aged, you see a clear indication that his behavior -- his
7 maladaptive behaviors became more willful and more willful. I
8 think that we then have an indication of conduct disorder.

9 I don't think it's -- would be appropriate to say a
10 person's maladaptive behavior in a sense of criminality is a
11 result of his intellectual -- is a result of intellectual
12 deficiency.

13 Q Right, we're back then to the causation?

14 A Yeah, I think they're separate issues. I would say this
15 is a young man who had a learning disability who also had a
16 significant conduct disorder which turned -- progressively
17 turned to a maladaptive pattern of interacting with others
18 that constitutes what we would now call personality disorder.

19 Q Right. So the social interpersonal skills was the second
20 one that you had identified that he had deficits in. And what
21 you're now saying is that those social interpersonal skill
22 deficits were caused at some point in his development morphed
23 into a causation by conduct disorder and because they were
24 caused by conduct disorder, you can't have them attributed to
25 intellectual disability?

Denney - Recross/Burt

1 A No, not that they're caused by conduct disorder. Conduct
2 disorder is simply a label describing willful behaviors. It's
3 hard to say that a child at a very young age, particularly in
4 an environment in which Mr. Wilson was raised, was
5 highlighting a lot of intentional willful misconduct at an
6 early age. I mean, there was misconduct, don't get me wrong.
7 But at some point you have to attribute that to the
8 maladaptive environment.

9 But eventually the child gets to the point where the
10 child has got to stand on his own two feet and make decisions.
11 And in Mr. Wilson's case, I believe that then became clearly
12 reflective of a conduct disorder. That is a willful choice.

13 And I don't think it's fair to say that a willful
14 choice of a misconduct would be considered a deficit in social
15 interaction, because a deficit indicates that a person doesn't
16 have the ability to behave the certain way if they don't
17 choose to.

18 Q I see. So what you're now doing is saying, well, you
19 look at the deficits and you, as an expert, discern whether
20 he's acting willfully or not, mental state of willfulness, and
21 if you decide he's acting willful, then the deficit doesn't
22 count as an adaptive deficit for intellectual disability.
23 Right?

24 A Well, I think that's too simplistic to parse it down that
25 fine.

Denney - Recross/Burt

1 Q Isn't that what you're saying?

2 A I don't -- I don't mean to say it that way necessarily.

3 Q Well, is there any support for using that technique in
4 any of these books?

5 A I mean, if that were the case, anybody that has a
6 criminal behavior and whose IQ could be low enough to where
7 somebody could use a 99 confidence interval or disregard any
8 bright line on IQ could consider half the people that I've
9 worked with in 20 years to be mentally retarded simply because
10 they've got maladaptive behavior that is criminal in nature
11 and their IQ falls down to the low average to high borderline
12 range. I don't think that's a fair characterization of it.

13 Q If the scores qualify and the adaptive behavior is
14 there -- adaptive deficits are there and the deficits occurred
15 before 18, that's what the diagnosis requires. Right?

16 A If you were to take AAIDD at its black and white face
17 value in what it's suggesting, that's what it would say, yes.

18 Q Okay.

19 MR. BURT: Okay, that's all I have. Thanks.

20 MR. MCGOVERN: No other questions.

21 THE COURT: All right. Witness is excused. You may
22 stand down.

23 MS. COHEN: Your Honor, we have -- is it possible to
24 take our break now or is it too early? I can wait if we -- if
25 you prefer.

Denney - Recross/Burt

1 THE COURT: You want ten minutes now?

2 MS. COHEN: Yes.

3 THE COURT: Fine, take a ten-minute break.

4 MS. COHEN: Thank you your Honor.

5 (Recess.)

6 (In open court.)

7 (Defendant present.)

8 THE COURT: All right, the government may call its
9 next witness.

10 MS. COHEN: Thank you, your Honor, the government
11 calls Dr. Robert Mapou to the stand.

12 THE CLERK: Sir, please raise your right hand.

13 (Witness takes the stand.)

14 **ROBERT L. MAPOU, PH.D.,**
15 called as a witness, having been duly sworn, was examined and
16 testified as follows:

17 THE CLERK: And please state and spell your full
18 name for the record.

19 THE WITNESS: Robert, last name Mapou, M-a-p-o-u.

20 THE COURT: All right, you may inquire.

21 MS. COHEN: Thank you, your Honor. Oh, I just
22 forgot to mention, I left the court a binder and some
23 exhibits.

24 THE COURT: All right, thank you. And defense has
25 received them. Correct?

Denney - Recross/Burt

1 MS. COHEN: Yes.

2 THE COURT: All right, thank you.

3 DIRECT EXAMINATION

4 BY MS. COHEN:

5 Q Good morning, Dr. Mapou.

6 A Good morning.

7 Q Are you currently employed?

8 A I am.

9 Q What do you do?

10 A I'm a clinical neuropsychologist affiliated with a large
11 group practice in Silver Spring, Maryland.

12 Q And what is the focus of your practice as a
13 neuropsychologist?

14 A The focus of our group practice is the evaluation of
15 learning disabilities, attention deficit hyperactivity
16 disorder, or ADHD, and other developmental disabilities across
17 the lifespan.

18 In my own work, I specialize in the assessment of
19 adolescents and adults with learning disabilities and ADHD. I
20 also see people with a range of neurological problems, but
21 because of the nature of our practice that's the bulk of the
22 work that I do.

23 Q Dr. Mapou, are you board certified?

24 A I am.

25 Q What area are you board certified in?

Mapou- Direct/Cohen

1 A I am board certified in clinical neuropsychology by the
2 American Board of Professional Psychology.

3 Q Can you tell the court briefly about your educational
4 background?

5 A I completed my master's degree and PhD in psychology,
6 with a specialization in clinical psychology, at Emory
7 University in Atlanta, Georgia. That was followed by --
8 actually as part of that, I completed an internship with a
9 focus on clinical neuropsychology at the Boston VA Medical
10 Center under the direction of Dr. Edith Kaplan, K-a-p-l-a-n.

11 Following that internship, I did post doctoral
12 training with a focus on rehabilitation of traumatic brain
13 injury at Greenery, G-r-e-e-n-e-r-y, Rehabilitation Center in
14 Boston.

15 Q Dr. Mapou, in your clinical practice, you focus, you
16 said, on children and adults with learning disability and
17 ADHD. Because you are a neuropsychologist, do you see
18 individuals with a broad range of developmental disabilities?

19 A I do.

20 Q In the course of your clinical practice, do you tend also
21 to diagnose individuals with intellectual disabilities from
22 time to time?

23 A From time to time.

24 Q Have you ever diagnosed an individual who came to you and
25 believed he or she had a learning disability and subsequently

Mapou- Direct/Cohen

1 diagnosed them with intellectual disability?

2 A I have.

3 Q Now, are you published in the field of learning
4 disabilities and ADHD?

5 A I am.

6 Q Have you written articles in both of those fields?

7 A Yes, I have written several book chapters on the topic of
8 evaluation of learning disabilities and ADHD in adults. And I
9 have also written a book on that topic.

10 Q On the topic of learning disabilities and ADHD in adults?

11 A Yes.

12 Q Now, do you also regularly lecture in both those areas,
13 learning disability and ADHD?

14 A I do.

15 Q And do you lecture in those areas throughout the country?

16 A I do.

17 MS. COHEN: Your Honor, at this time I offer this
18 witness as an expert in clinical neuropsychology, learning
19 disabilities and ADHD.

20 MR. BURT: Your Honor, in those areas I don't have
21 any objection.

22 THE COURT: All right, so let's go over that again.
23 Clinical neuropsychology.

24 MS. COHEN: Yes. In addition, specifically in the
25 area of learning disability and ADHD, attention deficit

Mapou- Direct/Cohen

1 hyperactivity disorder.

2 THE COURT: All right. Your motion is granted
3 without objection. You may proceed.

4 MS. COHEN: Thank you, your Honor.

5 BY MS. COHEN:

6 Q Dr. Mapou, there's been a lot of talk in this courtroom
7 about learning disabilities. But since you're an expert in
8 the field, can you please provide the definition of what a
9 learning disability is?

10 A A learning disability is a specific disorder affecting an
11 academic skill, reading, spelling, expressive writing,
12 mathematics that occurs in the presence of adequate
13 intelligence. It is not explained by an intellectual
14 disability. It is unexpected in comparison with the person's
15 intellect.

16 Q Now, how is a learning disability -- I you think you sort
17 of touched on this in your answer. How is a learning
18 disability different from intellectual disability or mental
19 retardation?

20 A Individuals with intellectual disability have far more
21 pervasive deficits or impairments in a range of skills. There
22 may be isolated strengths, but the overall pattern is one of
23 weakness or deficit. In a learning disability, there is a
24 very narrow range of deficits that fit known profiles for
25 learning disabilities. This is seen on measures of academic

Mapou- Direct/Cohen

1 skills as well as on measures of neuropsychological or
2 cognitive skills.

3 There also are very clear strengths in the profile
4 too, they're not isolated strengths but rather these strengths
5 will also cluster in specific areas.

6 Q And when you say "specific areas," do you mean a specific
7 area as tied to the areas you talked about before, reading,
8 arithmetic, and --

9 A Here's a good example of that, and it's most relative for
10 individuals with language-based learning disabilities. When
11 people have a learning disability affecting language,
12 typically these disabilities affect reading, writing, and
13 aspects of both understanding spoken language, what you hear
14 and putting your thoughts into words. Such individuals
15 frequently have far stronger skills on tasks that do not
16 involve language, that don't require words, that are visual
17 hands on, and you see strengths that come out.

18 This is a very common profile that I see, for
19 example, in student athletes, who may have gravitated to
20 sports because they are very strong in those types of skills
21 but have struggled in school over the years because of
22 language skills.

23 Q Dr. Mapou, were you asked -- what were you asked to do
24 specifically in this case?

25 A In this case, I was asked to use my specialized knowledge

Mapou- Direct/Cohen

1 to review the records and to look diagnostically as to whether
2 intellectual disability or another disorder, specifically a
3 learning disability or ADHD, could account for the
4 difficulties that Mr. Wilson had over the years.

5 Q And could you tell us generally in forming that opinion,
6 did you review all the records in this case?

7 A I did.

8 Q And what else generally did you do?

9 A I reviewed the records that were initially provided to
10 me, which included his educational records, records of
11 psychiatric treatment and counseling. I reviewed evaluations
12 that had been done over the years as part of those records.

13 I also interviewed Mr. Wilson and did a very brief
14 assessment looking at some other academic skills that had not
15 been covered by Dr. Denney. I then integrated the results of
16 my academic testing with Dr. Denney's academic testing results
17 to determine whether they fit the profile of a learning
18 disability.

19 Q Based on all of that, did you form an opinion to a
20 reasonable degree of psychological certainty in this case?

21 A I did.

22 Q And what is your opinion?

23 A My opinion is that Mr. Wilson had many features of a
24 language-based learning disability, and specifically that he
25 showed features of dyslexia. Now, that's often a

Mapou- Direct/Cohen

1 misunderstood word. Dyslexia is a specific reading disorder
2 that is based in difficulty sounding out and reading
3 individual words. It's not reversing letters, as some people
4 popularly think. It has nothing to do with visual skills as
5 some people popularly think.

6 Q What led you to specifically conclude that dyslexia
7 was present?

8 A The early records very clearly documented that he had
9 difficulty with decoding, with sounding out words, and that in
10 his own speech he had some problems with articulation, with
11 expressing himself clearly, and to some degree with
12 comprehension with understanding. What stood out were these
13 very early problems with language that were documented as far
14 back as kindergarten.

15 Q Did you also form an opinion whether or not Mr. Wilson
16 had ADHD?

17 A I did.

18 Q And what was the basis of that conclusion?

19 A I concluded that he did have ADHD. And specifically I
20 concluded that he had the combined type of ADHD which includes
21 symptoms not only of inattention or being distracted but also
22 includes some hyperactivity, that is restlessness, not able to
23 sit still, impulsivity, doing things without thinking about
24 it, saying things without thinking about it.

25 Again, all of these symptoms were well documented in

Mapou- Direct/Cohen

1 the records from early on. And in fact, ADHD was the most
2 common diagnosis that was used in the records.

3 Q Now, the basis that -- the full basis of your opinion, I
4 note is contained in your 35-page report, so I'm not going to
5 go into that. But I just want to touch on some areas that
6 might need clarification or would expound on what you've
7 already said in your report.

8 First, Dr. Mapou, is it possible to have both a
9 learning disability and intellectual disability?

10 A Theoretically, and according to the DSM-IV, that is
11 possible. That's based on a discrepancy definition of
12 learning disability. Specifically, if one has mild
13 intellectual disability and one's academic skills fall far
14 below that level of intellectual disability, then
15 theoretically and from a discrepancy standpoint, a learning
16 disability can be diagnosed. However, that would mean that
17 for someone who has intellectual abilities, let's say in the
18 70s, to diagnose a learning disability would require a very
19 large discrepancy into academic skills around 60 or even
20 lower.

21 Q In this particular case, in Mr. Wilson's case, based on
22 the records, is it possible that Mr. Wilson could have both a
23 learning disability and mental retardation?

24 A No.

25 Q Why not?

Mapou- Direct/Cohen

1 A There is evidence in the records that Mr. Wilson on a
2 number of occasions tested intellectually in the low average
3 to even average range. That's one reason.

4 Second, in looking at his academic skills in
5 comparison with his intellect, those fall below average around
6 scores of 70, they do not fall around scores of 50 or 60. And
7 we particularly see that on a recent testing done by
8 Dr. Denney, which I reviewed, and on my own testing.

9 Q Now, you also mentioned in your report, and there's been
10 a lot of discussion in this courtroom about the discrepancy
11 between performance IQ score and a verbal IQ score and what
12 that means. Can you explain to the court what significance
13 that has in this case?

14 A Verbal IQ really is a measure of one's skills on tasks
15 that are verbal. There are several tests that go into that or
16 went into the verbal IQ when that was used. It includes
17 measures of vocabulary, a measure of vocabulary on which you
18 have to define words. So you have to be able to express that
19 definition clearly.

20 A reasoning measure where you have to state how two
21 items are alike in some way. A fact knowledge measure, in
22 which you answer questions about facts that are typically
23 learned in school. A measure that's been described as
24 measuring reasoning social judgment but it really is one's
25 knowledge of what one should do in social situations. For

Mapou- Direct/Cohen

1 example, what should you do if you see a fire in a theater.

2 Those are the core verbal measures that now actually are used

3 to determine what we call the verbal comprehension index.

4 Q Okay. I actually want to get to that in a minute, but --

5 A There are two other measures that really measure

6 attention to information that you hear and the ability to hold

7 that in mind. One measures repeating digits, forwards,

8 backwards, and now on the newer adult intelligence testing

9 sequence. And the other measures the ability to do math in

10 your head which obviously is an academic skill. All of those

11 are on the verbal side and all of those require words to

12 respond.

13 The performance subtest, not exactly called that

14 anymore but they have been referred to that over the years,

15 are much more hands-on visual tests. On the past versions of

16 intelligence test, some of these required a verbal response

17 but the analysis was much more visual and you could also

18 respond by pointing.

19 So, for example, the picture completion subtest

20 requires one to look at a picture and figure out exactly

21 what's missing in that picture. It does require attention but

22 there's also a reasoning component to that where you have to

23 figure out what the most important piece in that picture is

24 misses as opposed to something that's obvious, like a hand

25 holding a picture, which in this particular item is not the

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1 most important piece missing.

2 In the past the picture arrangement subtest was
3 involved, and that involved arranging pictures to make a
4 sensible story. It's a visual. Again, there's a reasoning
5 component. You don't have to use words at all to complete
6 that task.

7 The block design subtest which involves copying
8 block designs from looking at a drawing printed on a page. In
9 the past the object assembly subtest, which was really a
10 little puzzle assembly test. Those were all the measures that
11 go into visual intellect and some of those are now part of the
12 perceptual reasoning index.

13 There are two other measures that tap more closely
14 into speed and attention. One is the digit symbol subtest
15 that requires looking at a set of symbols paired with digits
16 and then copying the correct symbol below the number. That
17 requires attention, it requires speed, it also requires good
18 handwriting.

19 The other measure is symbol search which requires
20 one to scan a line. There are two symbols at the beginning of
21 that line and you either have to cross out one of those two
22 symbols within the symbols that follows or cross out no
23 indicating that neither one is there. That also taps into
24 attention and speed.

25 All of these tests are visual. Now, on the new

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1 version of the IQ test we've even taken out some of the more
2 verbal components. Pictures completion is an optional
3 subtest. Instead, we have two new measures. One is a little
4 mental puzzle assembly test where you look at a puzzle that's
5 made of three pieces, it's printed on a page. There are six
6 choices underneath that and you have to pick out the pieces
7 that make that puzzle. You don't have to respond verbally at
8 all, you just twist them around in your head and figure out
9 which pieces go together.

10 Block design is still there but it has some harder
11 items on it now. And then matrix reasoning, which is a
12 reasoning measure in which you see a puzzle on a page, a
13 sequence of squares with designs in them. The one at the end
14 is missing. In some cases, its a series of two-by-two designs
15 or three-by-three designs with one missing. You have to
16 analyze how that pattern changes and then you have to fill it
17 in with a missing piece.

18 So, again, on the more recent version of the
19 intelligence test for adult, there's even less emphasis on
20 anything verbal. You're dealing with very abstract visual
21 information which you really can't put into words that well.

22 Q Okay. So would -- so that's sort of describing the
23 difference between performance and verbal. When there -- on
24 page 23 of your report you reference the fact that
25 Mr. Wilson's visually based abilities, and that is also sort

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1 of the equivalent, right, to the performance part IQ, were
2 always higher.

3 What is the significance of that discrepancy between
4 the verbal and performance?

5 A It's very common in individuals who have language-based
6 learning disabilities to be weaker or even far weaker on
7 the -- on the verbal subtests than on the visual subtest.
8 Alan Kaufman has talked about this in his work as being a
9 fairly common pattern in these individuals.

10 The reason why is that the verbal subtests really
11 emphasize language skills and they emphasize learning in
12 school. And if you have a language-based learning disability,
13 you're going to have far more difficulty on those tests,
14 whether that be understanding what's being said to you,
15 putting your thoughts into words, or even accumulating the
16 verbal knowledge that is needed to respond to those questions.

17 The visual tests, however, don't place demands on
18 those skills and so they are far more likely to be performed
19 in an adequate way, or in some instances in an above average
20 way, in people who really show strength in that area. And in
21 essence you're testing two very different types of
22 intelligence. You're testing verbal intelligence and you're
23 testing visually based, for lack of a better word, hands-on
24 intelligence. And those can differ widely in individuals who
25 are challenged in spoken language.

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1 Q Did you see that pattern consistently in this case?

2 A Yes, I saw that consistently in this case with
3 differences ranging, I think, from eight points in some
4 instances to as many as 31 points in another instance.

5 Q Now, what significance did that consistent pattern have
6 on your ultimate opinion here?

7 A It had two impacts. One was my observation that for the
8 most part Mr. Wilson's skills in -- on the visual measures
9 were often low average and sometimes in the average range. I
10 would not expect that in someone with mental retardation.
11 This is not an isolated strength, it's a consistent cluster of
12 strengths.

13 Second, his verbal skills were consistently in the
14 impaired range. There is -- and there is some evidence that
15 he fell further behind in those skills whereas he maintains
16 stability on the visual tasks.

17 Q Now, in your report on pages 20 to 21 -- I'm sorry, 20 to
18 22 -- you discuss Mr. Wilson's intellectual testing results.
19 And I just want to ask you a few questions about that, since I
20 think it would help the court in understanding what you've
21 done here.

22 In each of these tests you explained that you
23 calculated, when possible, the verbal comprehension index and
24 the perceptual organization index which you mentioned earlier
25 in your testimony.

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1 Can you explain why you did that and what that
2 means?

3 A To do that, I want to go back to the early history of
4 intelligence testing, because we need to understand how these
5 tests came about and how we ended up with a verbal IQ and a
6 performance IQ, which have been used over the years but now
7 largely discarded.

8 When intelligence testing first began around the
9 turn of the century with the purpose of trying to determine
10 whether people were intellectually disabled and in need of
11 either intervention or in some cases institutionalization, the
12 focus was very much on verbal skills. So the verbal measures
13 were developed. And around the same time immigrants began
14 coming to this country who didn't speak English. People said
15 we need to classify them too, we need to understand if they're
16 intellectually disabled or not. But they don't speak English,
17 so we need to find a different way of doing that.

18 The performance subtests were developed around that
19 time, and some of these actually date to the turn of the
20 century. They were designed to be nonverbal and to look at
21 how people performed, how well they did on tasks that didn't
22 emphasize their language skills.

23 So we ended up with verbal subtests, performance
24 subtests, and people just put these together and said okay,
25 this measures verbal IQ and this measures performance IQ. And

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1 we assume that that's the case and we will continue doing
2 that. So they did for many years.

3 Then, and I can't put a date on this, we got more
4 sophisticated in our statistical techniques and we began to
5 ask well, do these subtests all cluster together. If you're
6 low on these subtests, do you tend to be low on all of them?
7 Or perhaps there's some differences in how they hold together.

8 So researchers and test developers began using a
9 procedure called factor analysis. In essence, factor analysis
10 is a statistical technique that allows you to see which tests
11 cluster together; if one is high, which is likely to be high,
12 if one is low, which one is likely to be low. That's the
13 simplest way to describe that.

14 And what they found is in fact among the verbal and
15 performance IQ tests, there were really four clusters, not
16 two. It wasn't just verbal IQ or performance IQ. Within the
17 verbal domain they found two clusters. One was labeled verbal
18 comprehension. That was the verbal reasoning measure I
19 mentioned earlier, fact knowledge, vocabulary, and in some
20 instance the other measure of comments and social judgment.

21 There was a second factor which was originally
22 labeled freedom from distractibility but is now called working
23 memory. It has to do with attention to auditory information,
24 the ability to repeat it back and work with it mentally in
25 your head.

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1 Then on the performance side we also discovered two
2 clusters. One was labeled perceptual organization, the
3 ability to perceive and organize visual information, and that
4 included at one time picture completion, block design, object
5 assembly, picture arrangement.

6 There was also a measure that they labeled
7 processing speed, that was digit symbol and symbol search, and
8 it really tapped more into speed and attention.

9 The pure measures of intellect are verbal
10 comprehension and perceptual organization. These are the
11 tasks that require one to demonstrate knowledge and reasoning
12 and problem settling. The two other clusters tap more into
13 attention and, to some degree, language because we know
14 working memory can be impaired in individuals with
15 language-based learning disabilities. But they are less
16 intellectual in nature.

17 That's why the newest iterations of the intelligence
18 tests look at these clusters rather than IQ. And again, Alan
19 Kaufman has talked about this in his book as a very good
20 development in intelligence testing. Because we can now look
21 at these different -- he sometimes calls them processing
22 areas. I call them cognitive areas. We can look at these
23 separately and understand how they play a role in learning
24 disabilities and other developmental disorders.

25 Q Okay. So why was it important in this particular case to

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1 determine specifically what the perceptual organization index
2 and what the verbal comprehension index were throughout time?

3 A Well, there are two reasons to do that. In some
4 instances, the IQ scores had been prorated; that is, one test
5 had not been administered for one reason or another and so per
6 the instructions in the intelligence test manual, the actual
7 IQ score was estimated or prorated. However, there were --
8 there was typically sufficient subtests to actually compute a
9 perceptual organization index. And so that becomes more
10 accurate. It's not estimated.

11 But the other reason was to look at the difference
12 between these purer measures of intellect because they often
13 show the discrepancy far better than the IQ scores which
14 include the measures of auditory attention and processing
15 speed.

16 Now, the reason why is that these measures of
17 working memory in processing speed or, as it was called,
18 freedom from distractibility rather than working memory are
19 affected by learning disabilities and ADHD.

20 Those are often the lowest indices with people with
21 learning disabilities and ADHD. They bring down the IQ
22 scores. By taking out those measures, you have purer measures
23 of intellect and you can look at that in a clearer way.

24 Q So in this case that -- is that what you did, you took
25 out what you -- what are the parts that are affected by

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1 learning disability and ADHD, and tried to get a better
2 measure of a pure intellect?

3 A Yes, and I did that for several of the testings that did
4 not do that, and they had sufficient data to allow me to do
5 that.

6 Q Did you also in connection with this case prepare a graph
7 showing these scores so that you could do a comparison of
8 them?

9 A Yes.

10 MS. COHEN: Your Honor, I'm going to offer
11 Government Exhibit 103 and 104, discussed with the witness.
12 And I have another exhibit, 105, I have not handed up. It's
13 the same as 103 and 104 but they were put together in one
14 chart for comparison.

15 A I actually -- to be clear, I put these graphs together
16 specifically to aid the court because in my own work I looked
17 at the numbers and I looked at how the numbers were laid out
18 using a spreadsheet. I thought that too many numbers would
19 make it more difficult to see the data and that these charts
20 for the court would help illustrate the difference in these
21 two domains.

22 Q Let me just put this up on the Elmo and you will see it
23 on your screen when I put it up. First I'll start with
24 Government Exhibit 104. And this is the verbal intellect?

25 A That's correct.

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1 THE COURT: I'm sorry, are you putting them forward
2 as exhibits?

3 MS. COHEN: Oh, I'm sorry. I'm going to offer
4 Exhibits 103, 104, and 105.

5 THE COURT: Any objection?

6 MR. BURT: No, your Honor.

7 THE COURT: All right very well. Government
8 Exhibits 103, 104, and 105 are admitted into evidence without
9 objection.

10 (Government's Exhibits 103, 104 and 105 received in
11 evidence.)

12 THE COURT: You can go ahead.

13 MS. COHEN: Thank you.

14 Q Taking a look at Government Exhibit 104, can you explain
15 what this graph shows?

16 A This is a graph of all of the intelligence tests that
17 were in the records and the red line is a graph of
18 Mr. Wilson's verbal IQ over the years. The blue line is a
19 graph of the verbal comprehension index over the years.

20 The first thing that you notice is that for
21 Mr. Wilson, he's tracked fairly closely. They're very, very
22 similar. These scores range from a low of, if I read this
23 correctly, around 62 perhaps, to a high of about 80. So they
24 definitely show consistent weaknesses or deficits in verbal
25 intelligence reflecting, in my opinion, consistent weaknesses

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1 in verbal skills that were documented elsewhere.

2 Q Okay. Now, taking a look at Government Exhibit 103, can
3 you tell us what this graph shows?

4 A Yes. And it's unfortunate that the colors were reversed
5 so that it makes it a little bit more confusing. I want to
6 the point out that on the last graph the IQ score was in red.
7 On this graph the IQ score is in blue. So that makes it a
8 little bit harder.

9 But what we see here is the performance IQ over the
10 years and then the perceptual organization index over the
11 years. And these are a bit different. The first thing that
12 we notice that all of these scores from the start are much
13 higher. They range from a low of 80 in the IQ score to a high
14 of, I believe, around 93, if I remember correctly.

15 Now, what's important to look at is the perceptual
16 organization index, which now in 2012 is called the perceptual
17 reasoning index. These scores range from a low of 85 to a
18 high of 102. And we see that when we take out the processing
19 speed measures, the very specifically timed tasks that can be
20 affected in both learning disabilities and ADHD, in many
21 instances the perceptual organization index is in fact higher
22 and well into the average range, showing very clear strength
23 in that domain.

24 Q Now, let me just show you Government Exhibit 105, which
25 charts all of this together. And if you could just -- you've

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1 already said it. Summarize now looking at this time with
2 respect to your expertise in learning disabilities and ADHD
3 what does this chart -- how is this chart helpful for you or
4 for the court?

5 A The two lines on the top again reflect the performance IQ
6 and perceptual organization or perceptual reasoning. And
7 that's -- in the two lines on the bottom are verbal IQ and
8 verbal comprehension.

9 We see again verbal IQ, verbal comprehension are
10 quite similar over the years and drop and then go back up,
11 whereas performance IQ and perceptual organization index
12 actually show improvement, and particularly marked improvement
13 in 1998.

14 Other than 1991, and perhaps 1989, the very first
15 evaluation, there's a large difference between the two
16 domains. And that difference is most obvious when you look at
17 the pure intellectual indices where perceptual organization is
18 much higher than verbal comprehension.

19 Q And what's the significance of the increase in the
20 perceptual organization index and the performance?

21 A Well, one might argue that this is due to practice
22 effects and that's quite possible because the novelty of the
23 tests wear off over time. But we can't presume that it's
24 entire due to practice effects. While that may have been the
25 case on WISC-III, which was administered quite a few times, we

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1 then move to the WAIS-III and that was in 2000 where you can
2 see one of the highest perceptual organization indices occur.

3 Now, that's important. While the WAIS-III was in
4 similar format to the WISC-III, for example, it included the
5 block design subtests, the items were different. And there
6 was also the addition at that time of the newer matrix
7 reasoning subtests which did not appear at all on the previous
8 subtest. That test is now entirely novel. Mr. Wilson had not
9 seen that one at all.

10 And the picture completion subtest, while the format
11 was the same, the stimuli changed. On the WISC, it was a
12 small booklet with black and white pictures. On the WAIS, it
13 was a large booklet with more easily seen colored pictures and
14 different items that would be harder for an adult to do.

15 So while you might argue that some of the
16 improvement from 1989, or better 1991 to 1998, which involved
17 the WISC-III consistently, could have been due to practice
18 effects. It's far more difficult to argue that practice
19 effects could entirely account for that improvement seen in
20 2000.

21 We look again in 2012, we see another change. When
22 we move to the WAIS-IV, there were again changes in format.
23 There was a new subtest, the mental puzzle assembly test that
24 I described earlier, that would have totally been novel at
25 that time.

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1 The block designs changed some. There were some
2 harder designs that were added. There were other designs that
3 were the same. The matrix reasoning subtest changed a bit as
4 well. I have actually not analyzed that closely to determine
5 how many of the items were similar.

6 But the cutoff in the matrix reasoning subtest
7 changed. On the WAIS if you got five wrong or I believe it
8 may have been four out of -- if you got four in a row wrong or
9 four out of five items wrong, you stopped. In the WAIS-IV,
10 you stop when you get three wrong, period, you're done. So it
11 has a closer cutoff when you stop.

12 So there's still differences in there that render it
13 novel again to someone who has not had those items. So while
14 practice effects might explain part of the profile, I don't
15 believe they explain all of it and his consistent strength on
16 the visual test.

17 Q Dr. Mapou, the last area I want to touch upon is after
18 you submitted your report, did you subsequently review the
19 test scoring that Dr. James did?

20 A I did.

21 Q When you reviewed that testing, what did that testing
22 show?

23 A In my opinion and based on the scores that were actually
24 presented, there were many, many scores that were average or
25 even above average and low average. The vast majority of

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1 those scores fell in that range, low average to average and
2 even above average. There were some scores in what we call
3 the borderline range and there were a few scores in the
4 intellectually disabled range.

5 Q Now, just to go over this a little bit more, there's a
6 chart that's already in evidence subject to connection, it's
7 Government Exhibit 96. And this is a test -- I'm sorry, a
8 chart of Dr. James's data. Do you -- I'm just going to show
9 this on the Elmo since it's already in evidence.

10 Dr. Mapou, did you actually put this data together?

11 A I did.

12 Q And what was the reason and purpose of putting this data
13 together?

14 A I put it together to help me do my own analysis of
15 Dr. James's findings rather than totally relying on her
16 conclusions about frequently significant impairment as she
17 described it. I wanted to see for myself how these scores --
18 what the range of these scores were and, perhaps more
19 important, how they clustered in different domains.

20 Q Let's look at the second page. Actually, before we do
21 that, just so we know we're talking about the same scores, did
22 you also in this case, and this is Government Exhibit 98,
23 which is already in evidence subject to connection, did you
24 also put together this psychometric conversion chart?

25 A I did, but that certainly isn't my own chart that I put

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1 together. This is based on charts that have been seen in
2 psychological assessment tests, texts. The first one that I
3 refer remember was psychological assessment, a classic text by
4 Anne Anastasi, that's A-n-a-s-t-a-s-i, that we all used for
5 many years. And there would be a chart in there showing the
6 equivalence of IQ-type scores or standard scores, scale
7 scores, percentile scores as well as other scores that include
8 T scores and Z scores.

9 Q Some of those scores that we see actually have
10 Dr. James's data, isn't it?

11 A Yes. And it shows how all of these relate and how all of
12 these scores are merely different ways of expressing the same
13 finding. They're all equivalent; there's no difference.

14 The description on the right side of that is based
15 upon how IQ scores are characterized. But because these
16 scores are really equivalent from a statistical standpoint, it
17 is entirely appropriate to describe any of these scores
18 falling in that range in the way that they're described here.
19 Those descriptives don't just apply to IQ scores.

20 Q All right. So what you're saying is the information here
21 is in a lot of different places. In other words, where did
22 you get this specific information?

23 A I got this from a very nice chart that is on the internet
24 done by Pepperdine University, because it's the most
25 comprehensive chart in this way. That's not the only place

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1 where you can find it but it happens to be a very handy chart
2 that I refer to frequently.

3 Q Now, going back to looking up at the -- on your screen,
4 the scoring from Dr. James's testing that were in this
5 intellectually disabled area of the below 70 for a scaled
6 score of three or below, do you see any significance to the
7 testing that helped you in this case in informing -- well, you
8 already formed your opinion, but in confirming your opinion or
9 else changing your opinion in these seven tests here?

10 A I did, although it might help to start with the high end
11 scores because it may be easier to understand if I begin there
12 with how those are clustered and moved downward.

13 Q Sure.

14 A If we look at the scores that are labeled average to
15 above average.

16 Q Okay.

17 A Every score down through -- let me put this a different
18 way. Every score but the last two are measures of executive
19 functions. These are measures that require problem solving,
20 thinking flexibly, using feedback, sequencing. All of those
21 scores are average to above average.

22 Q What is the significance of that?

23 A Well, that tells me that Mr. Wilson's reasoning and
24 problem solving skills are actually among his strongest
25 abilities.

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1 The last two scores are measures of visual memory,
2 and it's very common for individuals with language-based
3 learning disabilities to do better on measures of visual
4 memory than on measures of verbal memory because it is a
5 language-based learning disability.

6 Q And in connection with these, the low average, what do
7 you see there?

8 A Here we see several clusters. The first cluster, which
9 is through the word context tests, reflects again executive
10 functioning. The CDL -- the next set of measures are largely
11 those that tap into verbal learning and memory; the California
12 verbal learning test recall measures; the logical memory which
13 is memory for storage; verbal paired associate which is
14 another type of word list measure.

15 Symbol span is a visual measure of working memory.
16 The last three measures are academic skills, and in this case
17 they include writing sentences, writing an essay and doing
18 math.

19 So in this case, there are a few measures of
20 executive functioning that fall in the low average range.
21 Quite a few measures of learning and memory that fall in the
22 average memory, verbal learning and memory in particular.
23 These are skills that are often impaired or lower in
24 individuals with language-based learning disabilities.

25 And then finally we have the low scores on academic

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1 measures.

2 Q Now, one thing you -- you had talked about all -- that
3 the average and below average, they're all tests to executive
4 functioning. What is that -- the significance of that with
5 respect to intellectual disability?

6 A Well, my understanding is that one of the key features of
7 intellectual disability, and I saw this in Dr. James's report
8 where she emphasized the importance of executive functioning,
9 and chose to focus on that area because she wrote that this
10 best captures intelligence. In many ways that's correct.

11 Russell Barkley who has written about executive
12 functioning and other people have characterized executive
13 functioning as the skills that make us most human, that this
14 is what we do that other living creatures don't do. And that
15 in part has to do with the fact that the frontal lobes of the
16 brain over here are the largest parts of the brain.

17 These are skills that are basic behavioral control
18 functions that allow us to plan, initiate and execute
19 goal-directed behavior for problem solving. In other words,
20 when you're faced with a novel problem, you first have to
21 figure out what your goal is, you then have to figure out the
22 steps you need to reach that goal, you have to initiate your
23 problem solving plan or get started. You have to carry out
24 the steps in the order that's intended.

25 While doing that, you have to think flexibly. You

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1 have to use feedback effectively and ask yourself, am I making
2 progress towards my goal. If yes, keep doing what I'm doing.
3 But if no, I have to shift to a better way of doing. And then
4 finally you identify that you're done. We have to do this in
5 everyday life when we are faced with novel problems.

6 Some things become automatic over time, when we
7 don't have to think about them anymore. Driving a car is an
8 example of that. But when you first start driving a car it
9 requires a lot of executive functioning and a lot of working
10 memory because you're doing several things at the same time.

11 Executive functions are very important to
12 intelligence, and I very much agree with Dr. James's
13 conclusion about that. But what is very striking in these
14 test results is that the strongest areas in which Mr. Wilson
15 did well on her evaluation, were in fact in the areas of
16 executive functioning.

17 Q Now let's take a look at the borderline scores of the --
18 what we call the intellectually disabled level scores. What
19 is the significance of these scores?

20 A Here, again, we do indeed have a few measures of
21 executive functioning. Now, the first one, color naming, is
22 actually more of a language task. Color naming can be part of
23 a series of tests which are called rapid visual naming in
24 which you have to name either letters, digits, colors, or in
25 adults objects as quickly as you can. And we know that that

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1 skill is often impaired in people with reading disorders, and
2 specifically the dyslexia. So that low score is
3 understandable.

4 The next one does measure inhibition and being able
5 to inhibit a response as well as the switch back and forth
6 between two different responses. And that's low.

7 The next is a measure of planning, and this was one
8 of the lower scores. It showed that Mr. Wilson on this
9 particular task and despite fairly strong skills in the visual
10 domain on other tests, this test is visual, did have trouble
11 planning and looking ahead. We know from his history that
12 that's been a problem as well.

13 The proverb test is much more tapped to education
14 and background. If you haven't heard these proverbs a whole
15 lot, you may have difficulty saying what they mean. But if
16 you also have trouble expressing yourself, this is the free
17 inquiry portion where you're asked what does any ship in the
18 storm -- any port in the storm mean. I was never very good at
19 proverbs and I don't remember them all that well. But you're
20 asked that and if you have trouble expressing yourself, you
21 might know what it means but you have a hard time putting that
22 into words.

23 In fact, when he was given multiple choices for
24 these proverbs, he did quite well. He -- his scores there I
25 believe were either average or even above. I believe they

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1 fell solidly in the average range.

2 Q Is that that proverbs test total achievement?

3 A Yes, the multiple choice.

4 Q And going back here now.

5 A The rest of the measures here, we have some measures that
6 again tap into working memory. Then from there onwards, the
7 WIAT-III measures are all measures of academic skills. There
8 is one measure of spoken language, oral expression, putting
9 your thoughts into words effectively.

10 So that here, roughly little less than half the
11 measures are far more related to academic skills. There are
12 some measures that are related to executive functioning and a
13 couple of working memory.

14 Q And finally, with the lowest scores here, what is the
15 significance of these testing scores?

16 A The sorting description score is interesting because this
17 showed that despite the fact that Mr. Wilson was actually able
18 to do these sorts on his own, when he worked with the
19 materials on his own, he could see relationships among these
20 cards and figure out here's one category, here's another
21 category, and he could sort them in different ways. He did
22 well on that.

23 For whatever reason, when Dr. James laid out the
24 sorts and asked him to describe them, he had difficulty doing
25 that. That could be language; it may be something else, I

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1 admit that I'm puzzled by that. The tower task, again, is the
2 planning measure and that was weak. The Boston naming test is
3 a word retrieval measure. Now, this can absolutely be
4 affected by language-based learning disabilities in which a
5 person has difficulty retrieving a word.

6 This is seen in the rapid visual naming task, for
7 example. In an adult I will have them name a series of
8 pictured items as fast as they can. This is -- these are
9 items that are very familiar to people, that most people will
10 have seen, and people with reading disorders often are far
11 slower on this task than people without reading disorders.

12 Word retrieval problems more broadly are very common
13 in language-based learning disabilities. However, you also
14 need to take into account exposure to the items on the Boston
15 naming test, and many of these are items that if you grew up
16 in an environment that didn't emphasize language or the type
17 of chaotic environment that Mr. Wilson grew up in and the
18 educational environment that he had, he may not have been
19 exposed to some of these pictures, and just they may not have
20 been in his vocabulary at all. So it may be a combination of
21 two that led to the low score.

22 Q Do you -- by the way, with the Boston naming, do you
23 correct that for demographics?

24 A I do.

25 Q Why?

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1 A I believe it's important to take into account an
2 individual's background when interpreting a test. You don't
3 want to interpret something as a pathological or impaired
4 score related to the functioning of the brain when, in fact,
5 it may be an impact of education or background.

6 Q If you had corrected this for demographics, or did you in
7 fact do that correction yourself?

8 A I did do that correction.

9 Q And where would that score come out?

10 A It came out higher. It was still impaired but it
11 definitely came out higher in the mildly impaired range.

12 Q So it would have gone up to the borderline?

13 A Yeah. So we said there's still a deficit in this skill,
14 but when you account for educational background, then it's
15 less impaired.

16 Q Okay. Now, just turning to the last four scores there,
17 what was the significance of those scores?

18 A CVLT total was the total number of words learned across a
19 series of five learning trials, and the learning is quite weak
20 as I might expect in someone with a language-based learning
21 disability.

22 But what this shows is the number of words that got
23 into Mr. Wilson's memory over time was low, but his recall
24 scores were actually higher; that is, he retained the
25 information he learned. So while he had difficulty learning

Mapou- Direct/Cohen

1 it, his retention in memory was stronger in that -- that's
2 something that I often see in people with language-based
3 learning disabilities.

4 The last three measures are all academic measures.
5 And it's interesting that reading and spelling are two of the
6 lowest measures. This was a word reading task in which he had
7 to read individual words out loud. And the fact that these
8 are the lowest scores reinforces the notion that we're looking
9 at a profile that -- of -- that's consistent with dyslexia.
10 That is a reading disorder that not only affects decoding or
11 sounding out of individual words but encoding or putting
12 letters associated with sounds into words when writing.

13 (Continued on the next page.)
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Mapou - Direct/Cohen

1 BY MS. COHEN:

2 Q Finally, I'm going to show you what is already in
3 evidence subject to this witness's connection
4 Government Exhibit 97.

5 You had the idea of putting these scores together in
6 some sort of graph?

7 A I did.

8 Q And these scores are in a pie chart.

9 What was the significance of putting these scores
10 together in a graph?

11 A The idea was, again, to provide a visual illustration of
12 the range of scores showing that many, many of these scores
13 were low-average to average. Some were borderline and just a
14 few were in the intellectual disability range.

15 Certainly, one should not make a diagnosis solely
16 based on a cataloging of scores. But as I've illustrated here
17 when we look at the way in which these scores from clustered,
18 and where they're strong and where they're weak, it makes
19 sense in understanding the causes of weaknesses as being a
20 learning disability.

21 MS. COHEN: Your Honor, I have further questions for
22 this witness.

23 THE COURT: Cross-examination.

24 CROSS-EXAMINATION

25 BY MR. BURT:

Mapou - Cross/Burt

1 Q Good morning.

2 A Good morning.

3 Q Doctor, you said that your assignment in this case, as I
4 heard your direct testimony, was to determine whether
5 intellectual disability or another diagnosis best accounted
6 for Mr. Wilson's deficits.

7 Did I get that correctly?

8 A Yes.

9 Q And so, what were the deficits that you were asked to
10 focus on that you were going to see whether those deficits
11 were best accounted for by another diagnosis?

12 A The intellectual deficits, the academic deficits, any
13 other cognitive or neuropsychological deficits that could be
14 discerned from the records as well as the behaviors that
15 Mr. Wilson showed over the years because those were relevant
16 to the question of ADHD.

17 Q Okay.

18 And what diagnostic guidelines did you use in ruling
19 out intellectual disability?

20 A I looked at the prong, the three prongs, that were
21 recommended. And I focused on the first prong with the
22 results of the intellectual measures. I did not look at
23 adaptive functioning. I didn't look at that for two reasons.

24 First, Dr. Denney, I should say, the primary reason
25 I did not focus on that was that it was not my role in this

Mapou - Cross/Burt

1 case. Dr. Denney was doing an extensive look at adaptive
2 functioning, it made no sense for me to do exactly the same
3 thing. Rather, I looked at the data with an eye toward
4 determining whether or not they fit the profile of someone
5 with a specific learning disability rather than -- whether
6 these were circumscribed deficits or pervasive deficits. That
7 was the eye that I put toward these data as well as looking at
8 some of the data that Dr. Denney collected.

9 Q Although you did not evaluate the adaptive prong aspect
10 of intellectual disability, when you did your analysis were
11 nevertheless aware of what those categories were that make up
12 the definition for adaptive deficit; correct?

13 A It was.

14 Q Okay.

15 And, first of all, with the DSM-IV-TR definitions
16 you are familiar that under that system you need two of ten
17 deficits in order to satisfy that adaptive deficit prong;
18 correct?

19 A I am, yes.

20 Q All right.

21 And was it your determination based on the review of
22 records that at least in the area of functional-academic
23 skills and putting aside for the moment the question of
24 causation and the question of what better explains those
25 deficits, was it your opinion that Mr. Wilson showed

Mapou - Cross/Burt

1 functional academic deficits in the developmental period?

2 A Yes.

3 Q And was it also your opinion that, again, putting aside
4 the question of causation that he showed deficits, significant
5 deficits, in social-interpersonal skills?

6 A That is correct as well. But simply having deficits in
7 those two areas, while they are required to make a diagnosis
8 of mental retardation, they are also deficits that can be seen
9 in other disorders.

10 And so, one has to consider the entire picture and
11 not just the social-adaptive deficits to make that
12 determination. So I had an eye toward whether there could
13 another explanation of those deficits.

14 Q Right, and well get to that part of it. I just want to
15 start at the beginning in terms of what deficits you
16 determined there were.

17 So far, we've got social-interpersonal skills and
18 functional-academic skills, both of which were significant
19 deficits; correct?

20 A I would agree in part. What stuck out in the records
21 were much more behavioral and emotional deficits.

22 It did appear that Mr. Wilson, socially and
23 interpersonally, could relate to other people and, in
24 particular, could do that outside the academic environment.
25 There were references to the fact that he had friends, that he

Mapou - Cross/Burt

1 engaged in normal play activities and sports activities that
2 were typical of a child of his age.

3 The emotion -- there was also evidence in the
4 records that in his home environment according to his
5 relatives he did fine. There were certainly times when
6 problems arose that led to hospitalization, but there were
7 many, many other times when he did well in the home.

8 Rather, the behavioral and emotional deficits seemed
9 to show the most when he was at school in an academic
10 environment.

11 Q And there you would agree he had social-interpersonal
12 skill deficits?

13 A Its tricky to look at the overlap between what you would
14 describe as social-interpersonal skill deficits and behavioral
15 deficits. Did he have trouble relating to peers and to adults
16 at times, yes. In that regard, we would describe that as a
17 social or interpersonal skill deficit. Was he able to relate
18 appropriately at other times, the answer to that is yes as
19 well.

20 Q Well, youre familiar with the AAIDD description of these
21 domains; correct?

22 A I am probably.

23 Q Social, practical, and conceptual?

24 A Yes. If we use that categorization, then, obviously, the
25 place where these would go would be in social.

Mapou - Cross/Burt

1 Q And one of their descriptors of a social deficit is the
2 issue of whether somebody is obeying rules, following rules
3 and regulations; right?

4 A Yes.

5 Q Definitely be deficient in those areas, would he not?

6 A I agree.

7 Q Okay. How about, again, back to the DSM, communication.

8 Did he have a significant deficit in the
9 developmental years in communication based on your review of
10 the records?

11 A Yes, there was evidence of a deficit in communication
12 verbally.

13 Q How about self-care?

14 A I did not see evidence of deficits in self-care. To the
15 contrary, there were places in the records that said his
16 self-care was fine particularly when they evaluated that
17 during his hospitalizations.

18 Q Home living?

19 A I did not see evidence of deficits in home living.

20 Q Use of community resources?

21 A Its a good question when youre asking that of a little
22 kid. A kid is relying on their parents and family for use of
23 community resources. I think that's very difficult to
24 evaluate what is developmentally appropriate.

25 Q So there you have no opinion on because of the

Mapou - Cross/Burt

1 difficulty?

2 A I would say I don't have an opinion.

3 Q Okay. How about self-direction?

4 A You know, I would say, no, I didn't see evidence of
5 impairment in self-direction because there, again, were
6 statements in the records that Mr. Wilson went home, he did
7 his homework, he did chores around the house, he went out and
8 played with other kids. So, he seemed to be as self-directed
9 as I might expect a kid to be when he was outside of the
10 academic environment.

11 Q Work?

12 A A kid doesn't work.

13 Q Leisure?

14 A He was involved with playing sports and doing other
15 appropriate leisure activities so I did not see a deficit
16 there.

17 Q How about health and safety?

18 A There may have been a deficit in health and safety from
19 the standpoint of several incidents in which he used poor
20 judgment, and I believe there was one in which he was hanging
21 on to the -- he was standing on the bumper of a truck and fell
22 off. There may have been another similar incident like that.

23 Was there enough to conclude impairment? Perhaps
24 give what about I've read in the records and some of the
25 incidents in school.

Mapou - Cross/Burt

1 Q And did you assess whether he met any of the three
2 broader classifications of adaptive deficits defined in the
3 AAIDD manual?

4 A I did not do that, no.

5 Q Okay.

6 But of the deficits you just identified, your role
7 was to assess whether those deficits were best accounted for
8 by the learning disability or ADHD as opposed to intellectual
9 disability; correct?

10 A That's correct. Individuals with learning disabilities
11 and ADHD can absolutely have deficits in all of the areas that
12 you mentioned. The question becomes, is this part of a
13 pattern of more pervasive intellectual impairment, or so is it
14 related to more circumscribed disorder such as a learning
15 disability or ADHD.

16 Q One thing you just said was that the symptoms for ADHD
17 and learning disability can be the same symptoms you'd see in
18 mild MR; correct, in terms of the deficits.

19 There may be differences but there may be common
20 behavioral symptoms, would that be fair to say?

21 A Yes. Because when looking at a symptom, a symptom in my
22 view, it is a manifestation of behavior. You have to have an
23 explanation and that different symptoms can be caused by very
24 different things.

25 Q Okay.

Mapou - Cross/Burt

1 A So there absolutely can be overlap and that's true with
2 all cognitive and mental disorders.

3 Q Did you happen to bring a copy of your book that you
4 mentioned with you?

5 A I didn't.

6 Q As I understand from reading that book, you're fairly
7 specialized on learning disabilities, ADHD; correct?

8 A That is correct.

9 Q You write about it; correct?

10 A Correct.

11 Q Teach other practitioners about it?

12 A I do.

13 Q And is your practice fairly specialized in the sense that
14 people send patients to you for the specific purpose of
15 diagnosing ADHD and learning disabilities?

16 A They send people to me and to our practice in general to
17 determine whether a learning disability or ADHD is present, or
18 whether there may be some other cause of the problem.

19 Q Okay.

20 And I think you said on occasion you've had the
21 occasion in your practice to diagnose intellectual disability?

22 A Correct.

23 Q Remind me a little bit about how that comes up.

24 A Here's a good example.

25 Q Sure.

Mapou - Cross/Burt

1 A Several years ago, a local community college obtained a
2 grant to support assessment of individuals who didnt have the
3 resources to afford an assessment; and so, their grant paid
4 for the assessment.

5 The community college, like many community colleges,
6 has a -- I forget what they call it -- no selection admission.
7 They have no admission criteria -- if you want to go you can
8 go and it doesn't matter whether you've graduated high school
9 or not.

10 They sent to me a young man who had been diagnosed
11 with multiple learning disabilities. And when I reviewed his
12 history, and when I reviewed his profile on testing, it was
13 clear to me that he had a far more pervasive intellectual
14 disability. Did he fall into the MR range maybe not quite, he
15 was much more in the borderline range.

16 But what was clear to me was it pretty much all of
17 his scores were low. There was an isolated average score here
18 and there but there was no cluster of average scores. And I
19 advised him and his parents that this was more than a specific
20 learning disability, that it was not surprising that college
21 was difficult for him. Perhaps we needed to rethink through
22 his goals in college.

23 What I recalled, I had the young man and his mother
24 in the office and she had done everything she could for him
25 over the years. He had incredible support. She had pursued

Mapou - Cross/Burt

1 services, but he remained at a relatively low level. A young
2 man who must have been 19 or 20 cried in my office when he
3 heard this.

4 I recently talked with a mother in the past year and
5 I was assisting her with disability issues because the young
6 man had applied for and had been approved for Social Security
7 Disability. So there was evidence in this case of what had
8 been described as multiple learning disabilities was a much
9 more pervasive intellectual disability.

10 Q Is that sort of typical the way the issue has come up
11 occasionally in your practice?

12 A That's correct.

13 Q That's --

14 A That people were misdiagnosed perhaps in a way to make
15 things seem less severe.

16 Q Okay.

17 And in that example you gave, I didn't hear you
18 saying that you did any sort of a formal intellectual
19 disability workup in the same way that it was done, for
20 instance, in this case, where youre going out and doing
21 adaptive behavior interviews?

22 A In fact, you didnt ask the question because I would have
23 said that indeed I did.

24 Q Okay.

25 A In that case, if my recollection serves me correctly, I

Mapou - Cross/Burt

1 did an ABAS to look at his functional skills and it was
2 apparent to me that he was not only impaired on my tests but
3 also in a number of aspects of functional skills.

4 Q And was that the extent of your methodology there? You
5 used an ABAS with him?

6 A I believe I used one with his mother. I may have used
7 one with him. I don't recall.

8 Q And did you administer WAIS instruments to him as well?

9 A I did.

10 Q How many times has that come up, would you say, in your
11 practice?

12 A A few, I don't have an exact figure. I've been
13 practicing for 20 years plus.

14 Q Is this case the first time you've testified in an Atkins
15 context?

16 A It is.

17 Q Okay, thank you for clarifying that. I appreciate that.

18 Now, in your report, do you have that there in front
19 of you?

20 A I do.

21 Q As I understand your report, you diagnose Mr. Wilson with
22 several disorders; correct?

23 A The approach that I took was looking at what disorders
24 were most likely present in his youth based upon the records
25 that I reviewed.

Mapou - Cross/Burt

1 Q Okay.

2 Could you turn to Page 35 of your report which I
3 think is the --

4 A I'm on that page.

5 Q -- summary page. And I wanted to clarify.

6 You have childhood diagnoses before age 18. So
7 under that heading you have categories definitely met,
8 probably met, may have met. And this is all focused on the
9 pre-18 period of time?

10 A Correct.

11 Q Did you reach any conclusions as to a diagnosis of
12 Mr. Wilson as of the time when you examined him?

13 A For the reasons noted in my report, with reference to the
14 issue of learning disability and ADHD, and that was my focus,
15 it was difficult to reach a definitive diagnosis.

16 But I looked at two diagnoses -- one was ADHD based
17 upon his reported symptoms. And my observations at the time I
18 saw him, he did not appear to have ADHD.

19 Now, as I said, if I were doing a full evaluation of
20 ADHD, I would have gotten access to rating scales completed by
21 other people but this is tough in the incarceration setting.
22 So, to the best of my knowledge, at this point, he doesn't
23 meet diagnostic criteria for ADHD.

24 I also looked at the issue of dyslexia. And if we
25 look at his reading and writing skills in comparison what I

Mapou - Cross/Burt

1 see is the best measure of his intellect at this time, which
2 is the Perceptual Reasoning Index from Dr. Denney's
3 evaluation. And if you want to add to that some of the
4 measures of executive functioning that were perfectly normal
5 on Dr. James's evaluation, there continues to be a fairly
6 large difference between his ability to read and decode
7 individual words, particularly, when speed is stressed as
8 opposed to when he had five to ten seconds to read them he did
9 reasonably well. That's common in adults with dyslexia. He
10 still shows that decoding deficits, if I recall correctly. I
11 have to look at the data again so bear with me for a moment.

12 Turning to Page 29, it is interesting that his
13 spelling on Dr. Denney's evaluation is actually lower than his
14 ability to decode and read individual words. And that, again,
15 is typical, writing deficits tend to persist more than reading
16 deficits in adults and particularly in men with language-based
17 learning disabilities. He continues to have difficulty with
18 reading fluency, with reading accuracy, and with reading
19 comprehension when he is given more complex material. He
20 actually performed within the average range on Dr. Denney's
21 evaluation when he had to read a sentence or group of
22 sentences, had 30 seconds to read it, had to fill it in with a
23 word he read these to himself. He had an average score on
24 that. As the level of complexity of what he had to read
25 increased, his scores on the measures decreased progressively.

Mapou - Cross/Burt

1 I recently saw this in a college student who was
2 applying for accommodations on the LSAT and she showed this
3 same type of gradient in a reduction of her scores as the
4 material became more complex.

5 So, in looking at these scores, in looking at the
6 weaknesses and impairments in language skills on Dr. James's
7 evaluation; in comparing that with his level of intellect,
8 particularly in the visual domain, which is far less
9 contaminated by the language issues. From a purely cognitive
10 and academic standpoint, he meets criteria for having dyslexia
11 and broader impairments in language.

12 Now, the difficulty with drawing that conclusion
13 definitively, Jack Fletcher and colleagues in their book have
14 pointed out that if you don't have adequate instruction you
15 cannot conclude that someone has a neurologically-based
16 learning disability because the outcome can look similar.

17 We know that Mr. Wilson wasn't available to his
18 education in his early years, he as much said that to me
19 himself, he didn't want to be there. I think he pretty
20 definitively showed symptoms of ADHD which adding to that made
21 it hard for him to sit still and pay attention in class, so he
22 wasn't really available to his education.

23 Also, I note that at the time that he went to school
24 we didn't know as much about how to intervene and how to
25 improve reading skills. I couldn't find anywhere in the

Mapou - Cross/Burt

1 records where someone had done the types of interventions that
2 we now have to improve reading with him and his own
3 recollection was that nobody really tried to help him learn to
4 read. Some time in middle school and even then, by then, he
5 said he was doing other things and not with it.

6 He did learn to read later. He certainly improved
7 his skills to the point where he could read books by his
8 report and he could write. And I have been shown some of the
9 e-mails that he wrote. I saw writing samples at Brookwood
10 that were pretty good, so it showed that he became literate.

11 So the difficulty in concluding definitively that he
12 has dyslexia is, in fact, he gained quite a bit of literacy
13 over the years, and it raises the question in my mind that if
14 someone sat down with him and used the interventions that we
15 know work with kids and adults with dyslexia could he book an
16 even better reader? Is it simply because he didnt have the
17 exposure or the intervention at that time.

18 Both types of people can look the same. If you have
19 neurologically based dyslexia, or you don't have adequate
20 instruction or intervention, you still come out looking the
21 same. That's why I said dyslexia is probable at this time but
22 its hard to make that diagnosis definitively because there are
23 many other factors that could cause the profile.

24 Q All right.

25 But your opinion in pre-18 period was he probably

Mapou - Cross/Burt

1 met criteria for a number of learning disorders or ADHD;
2 correct?

3 A That's my opinion, and it was also the opinion of the
4 many professionals who worked with and evaluated him.

5 Q For instance, your own opinion after reviewing the
6 records is that he probably meets criteria for developmental
7 dyslexia; correct?

8 A Correct.

9 Q Next expressive-receptive language disorder?

10 A Correct.

11 Q And Attention Deficit Hyperactivity Disorder Combined
12 Type?

13 A Correct.

14 Q You also wrote in your report, and believe, that he may
15 have also met the criteria if instruction was adequate for
16 disorder of written expression?

17 A Yes.

18 Q And mathematics disorder?

19 A Correct.

20 Now, writing problems cooccur with reading problems.
21 If you have trouble reading, you often even have more trouble
22 writing. So it can sometimes be part and parcel with the same
23 thing.

24 Q Right.

25 A We have also know that mathematics disorders frequently

Mapou - Cross/Burt

1 cooccur with dyslexia, too, because some of the same
2 neuropsychological skills that are needed to learn to read are
3 also required to first learn your times tables and your
4 addition tables so they tend to go together. Similarly, there
5 is a high rate of cooccurrence of dyslexia and ADHD and there
6 is actually some overlap in the cognitive profile.

7 Q And these learning disabilities that he had prior to 18
8 and ADHD are developmental disorders, are they not?

9 A They are.

10 Q And they're serious in the sense of being impairing?

11 A They can range in severity from mild to very severe.

12 Q And your own opinion is that ADHD and learning
13 disability, such as you see in this case, are brain-based
14 disorders with a strong genetic component; correct?

15 A That's based upon research that has actually shown that.
16 Its not just my opinion, its based on solid scientific
17 research that shows that these disorders run in families.
18 They have been linked to some specific genes, although we're
19 no there yet. The research I think is strongest for dyslexia
20 and to some degree with ADHD.

21 And its also based on research on brain functioning
22 and looking both at structural neuroimaging, that is, MRI
23 scans of the brain and the functional neuroimaging where
24 you're actually looking at what the brain is doing while a
25 person is performing a particular task.

Mapou - Cross/Burt

1 Q And here, you took into account the functional
2 neuroimaging that was done back in 2003?

3 A I looked at that time but I have a problem with that.

4 Q Your problem is its not specific. You can't use it to
5 diagnose a particular disorder; right?

6 A Its a little bit more than that. PET Scanning is really
7 not, was it PET or SPECT.

8 Q Its PET.

9 A Its PET. Its not really ready for prime time in its use
10 as a clinical tool. This is based, not on my opinion, but on
11 the opinions of neurologists who use this tool.

12 While it is very much used as a research tool, it
13 isnt ready for clinical use because it is nonspecific and
14 Dr. Buchsbaum's result pretty much said that. He said it
15 could be this or it could be this. How do you tease that out?
16 You can't.

17 Q Do you have any disagreement with his conclusion that its
18 diagnostic in several possibilities?

19 A I would agree that its diagnostic of several
20 possibilities, the question is which possibility. One of
21 those possibilities was schizophrenia, if I recall correctly,
22 and Mr. Wilson doesn't have schizophrenia.

23 Q And did you state in your report that you were placing no
24 weight on the PET Scan because it was in your own words, "Not
25 ready for prime time," something along those lines?

Mapou - Cross/Burt

1 A If you want to know exactly what I said, I will have to
2 look because I don't want to misquote myself.

3 Q Sure.

4 A I said, "It may also be that the 2005 PET Scan findings
5 reflected residual effects of his meningitis." I'm not sure I
6 said anything else about that.

7 Q Could you explain that a little further in terms of the
8 meningitis issue.

9 A Mr. Wilson had meningitis as a young child. This is
10 often called "spinal meningitis." I'm not sure why because it
11 seems to refer to the fact that you can see the organism that
12 causes meningitis in the spinal fluid, but it actually is a
13 brain disorder. It is an inflammation of the meninges, which
14 is one the coverings of the brain. So it means it's above --
15 got into the brain and affected it.

16 We know from research that has been done that kids
17 who have meningitis can have learning disabilities or ADHD or
18 what looks like that later in life. Its possible that that
19 meningitis played a role. Its equally possible that he had a
20 benign outcome and that there's no relationship between the
21 two, particularly, because there were disagreeing statements
22 in the records as to whether there was really any change after
23 the meningitis.

24 So I raise that as a possibility, but I do say a
25 possibility not definitively.

Mapou - Cross/Burt

1 Q Right.

2 Abnormalities on the -- although meningitis was
3 considered as a possible cause of abnormalities on a 2005 PET
4 Scan, several other diagnostic possibilities including ADHD
5 were offered as well. And so, the PET abnormalities are best
6 considered to have been nonspecific. That's what you wrote;
7 right?

8 A Yes, and I would agree with that.

9 Q And they could, as Dr. Buchsbaum says, equally be
10 consistent with other developmental disorders; correct?

11 A Correct.

12 Q Such as intellectual disability?

13 A I'm not familiar enough with PET Scan to be able to say
14 that.

15 Q Okay.

16 Now, we had another expert in the case, Dr. Shapiro.

17 Do you know Dr. Shapiro?

18 A I do not know him personally, I've read his reports.

19 Q Did you read his testimony?

20 A I did not read his testimony.

21 Q Okay.

22 He said at one point, and I'm quoting this at
23 Page 344 of our transcript.

24 "I'd be more inclined to class him as a person with
25 ID who has a superimposed language disorder because his

Mapou - Cross/Burt

1 language is much lower functioning."

2 First of all, is Mr. Wilson's language much lower
3 functioning than what you would expect?

4 A What I would expect based on what?

5 Q I think he's referencing he's much lower than what you
6 would expect for his peers.

7 A Okay. Its interesting that despite obvious problems with
8 language over the years, as far as I could tell, there was
9 never a comprehensive speech-language assessment.

10 Q That would come from a speech pathologist?

11 A Yes. And that was, in my opinion, a major oversight.

12 So the determination as to his language skills are
13 really based upon limited data over the years, nonetheless.
14 From what I can discern, his language skills were impaired,
15 they were below the level of most people, and they were even
16 more striking again when we consider that against the
17 background of his largely average visual skills.

18 And, again, that's a profile that I very often see
19 in people with language-based learning disabilities. Its a
20 very specific profile.

21 Q And is a language disorder different than a learning
22 disability, or is it a type of learning disability?

23 A As I point out in my report, there are several different
24 names. Psychologists, unfortunately, are good with coming up
25 with their own pet names for different disorders.

Mapou - Cross/Burt

1 So in the DSM we see Mix Expressive Receptive
2 Language Disorder. That was the diagnosis I used because its
3 in the DSM. But we may also see reference to Specific
4 Language Impairment, SLI. Sometimes that refers to impairment
5 in language that is spoken but not in reading and writing.

6 However, when people have spoken language
7 difficulties they almost always have reading and writing
8 difficulties because reading and writing require even more
9 skills to do. Some people will say a Developmental Language
10 Disorder. Some people may say a language-based learning
11 disability. In my view, these are all the same things.
12 They're different terms for the same thing. They all reflect
13 a language disorder that is present from an early time in
14 one's life and that persists or may get better with
15 intervention, particularly, if someone works with a
16 speech-language pathologist.

17 Q Now, you mention that it is not impossible to have both a
18 learning disability and mild mental retardation?

19 A Based upon what the DSM says, yes.

20 Q Yes, its possible?

21 A Yes, its possible.

22 Q Okay. The question was worded --

23 A I understand.

24 Q -- badly. I apologize.

25 What the DSM says, this is at Page 51, and if you

Mapou - Cross/Burt

1 look there's a blue book there in front of you, a binder.

2 A Yes.

3 Q I think the first tab has the DSM in it, and if you'll
4 turning to Page 51?

5 A I'm there.

6 Q Okay. This is in the section on learning disorders;
7 correct?

8 A Mm-hmm.

9 Q And it says, "In mental retardation, learning
10 difficulties are commensurate with general impairment in
11 intellectual functioning. However, in some cases of mild
12 mental retardation, the level of achievement in reading,
13 mathematics, or written expression is significantly below
14 expected levels given the person's schooling and severity of
15 mental disorder. In such cases, the additional diagnosis of
16 the appropriate learning disorder should be made."

17 A Yes. Ms. Cohen asked me about that earlier and I agreed
18 with that.

19 Q Okay.

20 And I guess one question I have there, they use the
21 words "significantly below" but they don't really reference
22 the kind of thing you reference in terms of a 60 or some sort
23 of a cut-off score.

24 Is there a cut-off score that is either in the DSM
25 or somewhere else that will say, unless you get your

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1 achievement scores below a certain cut-off, you cannot make a
2 dual diagnosis?

3 A There is not to my knowledge and there is an added
4 difficulty, and this speaks to the issue of diagnosing a
5 learning disability in someone who is low average. And
6 Fletcher and colleagues have talked about this.

7 At the higher end of the intellectual spectrum when
8 you get someone who has an I.Q. of 120 or 130 which is the top
9 ten percent to the top two percent, it is far more likely that
10 they're going to have a number of scores that are discrepant
11 from that but that fall in the average range. So you may have
12 someone with 120 I.Q. and a 100 on reading, they're average
13 reading.

14 In the past, people might call this a mild learning
15 disability, gifted with a learning disability. But as we
16 learn more about these tests we learn that normal variability
17 is very common.

18 Now, when you get to the lower levels of
19 performance, and we're getting into the low-average range,
20 there isnt as much variability. Scores tend to cluster more.
21 The difficulty in diagnosing someone, say, of low-average
22 intelligence with a learning disability is that their I.Q.
23 might be 85 in the 16th percentile and their reading might be
24 85.

25 What Fletcher and colleagues talk about is that

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1 regardless of the intellectual level at that point, the
2 underlying problem, the underlying neuropsychological features
3 of the learning disability, are still the same. So you
4 shouldn't ignore this and you should intervene. You should
5 try to improve the reading skill regardless of I.Q.

6 Now, where in comes in here is that it makes it
7 difficult to specify a cut-off because it may be that if you're
8 in the mild MR range with an I.Q. of 70 and your score is, on
9 the reading measure, is 65 or 63 even though that's not a
10 standard deviation or 15-point difference maybe that's
11 significant. Of course, the other question is what do you do
12 with that at that point? What does that -- to me, the
13 question is always, where do you go with this? How do you
14 treat it? What do you do about it?

15 Q And we're focused here not on treatment, unfortunately,
16 but on diagnosis.

17 You understand that; right?

18 A I understand.

19 Q Okay.

20 So is it similar to what we have in the intellectual
21 disability area where the AAIDD says there is no fixed cut-off
22 score. Does the same guideline apply to figuring out whether
23 you have an achievement versus I.Q. discrepancy that is
24 significant?

25 A I am not aware of any guideline in that regard. It

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1 doesn't mean that it -- somebody hasn't written this
2 somewhere. Its just I am not aware of that and, again, its
3 typically not the folks who I'm seeing in my practice. I'm
4 more likely to see the average person who has a reading score
5 at the 16th percentile.

6 Q Okay.

7 Now, I think you said earlier, your own view is you
8 have to look at the deficits and see if there are explanations
9 that better account for those deficits before you can conclude
10 that someone is intellectually disabled; correct?

11 A Correct.

12 Q And there's another way of saying that that you really
13 can't diagnose intellectual disability if there is a better
14 explanation, a learning disability, for instance, that
15 accounts for your symptoms?

16 A That plays into what we call "Occam's Razor,"
17 O-c-c-a-m's, which is the idea that you look for the most
18 parsimonious or simplest explanation that encompasses all of
19 the data.

20 And in some cases that may be a learning disability.
21 In another case, it may be an intellectual disability. What's
22 key to me in intellectual disability, as Dr. James even said,
23 there's a pervasive impairment in intellectual and functional
24 skills. There maybe isolated strengths. Certainly, there may
25 be some strengths, but the overall pattern is one of fairly

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1 pervasive impairment. That's what I do not see in this case.

2 Q So your conception of intellectual disability is that it
3 is an overall pattern of weaknesses?

4 A Yes.

5 Q All right.

6 So you would disagree with the basic assumption in
7 the AAIDD Green Book at Page 7 which says, "Within an
8 individual limitations can coexist with strengths. This means
9 that people with ID are complex human beings who likely have
10 certain gifts as well as limitations. Like all people, they
11 often do some things better than others. Individuals may have
12 capabilities and strengths that are independent of their ID.
13 For example, strengths in social and physical capability, some
14 adaptive skill areas, or one aspect of an adaptive skill in
15 which they otherwise show an overall limitation."

16 You would disagree with that to the extent you say,
17 no, in your view it should be an overall pattern of
18 weaknesses?

19 A You know, that's a really tough question. I've read that
20 and I've looked at the arguments in the defense experts'
21 reports, and when I read all of that, its hard for me to then
22 determine what doesn't qualify as intellectual disability.
23 Its almost as if anything can qualify for that.

24 Now, in my opinion, if you see a very clear area of
25 strength that shows up consistently, not in isolated skill,

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1 not a physical skill, but a clear area of intelligence that
2 repeatedly shows up as a strength in a profile over time.
3 Then, to me, that is convincing evidence that this is not a
4 pervasive intellectual disability; that there's not only
5 strength, but there's a very clear cluster of strength that
6 shows intelligence in a domain that we have measured.

7 And so, yes, I agree with that statement but I also
8 think as Dr. James said you have to give weight to different
9 scores. Its not just a strength here, a strength there, bunch
10 of weaknesses. What I look at is, is there a clustering of
11 strengths.

12 Q Did she say you give weight to particular scores or
13 weight to particular deficits?

14 A She may have said deficits. This was from her testimony
15 and I may be misquoting.

16 Q And your own view as expressed in your book is that a
17 clinician should never diagnose a disability based solely on
18 the test results. There, youre referring to learning
19 disability or ADHD; correct?

20 A Is that a statement about ADHD because I've often said
21 that about ADHD.

22 Q Well, Ill read it to you in full context. It says: "A
23 clinician should never diagnose a learning disability or ADHD
24 based solely on the test results."

25 A That is correct because one has to evaluate a number of

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1 the things that I said earlier including adequate instruction,
2 availability to education, the impact of socioemotional
3 issues. So that, as clinicians, that's what we do, we look at
4 the big picture.

5 Q Sure.

6 A And this was a very big picture here of thousands of
7 pages of records.

8 Q Complicated picture, too.

9 A Absolutely, no disagreement there.

10 Q Okay.

11 And when you said on direct that you looked for an
12 overall pattern of weakness, you acknowledged that the AAIDD
13 manual says at Page 47, "In the process of diagnosing ID,
14 significant limitations in conceptual, social, or practical
15 adaptive skills is not outweighed by the potential strengths
16 in some adaptive skills."

17 Do you have disagreement with that statement?

18 A Can you read that again.

19 Q Sure.

20 A And can you give me the context for that as well.

21 Q Ill read you the whole context.

22 A Okay.

23 Q It says, "Focus on typical performance. The assessment
24 of adaptive behavior focuses on the individual's typical
25 performance and not their best or assumed ability or maximum

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1 performance; thus, what the person typically does rather than
2 what the individual can do or could do is assessed when
3 evaluating the individual's adaptive behavior. This is a
4 critical distinction between the assessment of adaptive
5 behavior and the assessment of intellectual functions where
6 best or maximal performance is assessed. Individuals with an
7 ID typically demonstrate both strengths and limitations in
8 adaptive behavior; thus, in the process of diagnosing ID,
9 significant limitations and conceptual social or practical
10 adaptive skills is not outweighed by the potential strengths
11 in some adaptive skills."

12 That was the context.

13 A I think I understand what youre saying.

14 And while that can be true, one could make the same
15 argument for a kid with ADHD who has significant impairment in
16 adaptive skills and is not functioning but may show average
17 intelligence or average intelligence in the verbal domain as
18 opposed to the visual domain which is very common because the
19 visual domain taps into planning and speed and so forth.

20 So that same argument could be made for someone with
21 a learning disability or ADHD who is not functioning so well
22 on a day-to-day basis and is failing all their classes.

23 Q That same argument could be made or wouldnt be successful
24 because that person who you hypothetically just told me about
25 would not meet the first prong, would he?

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1 He would not meet the intellectual functioning
2 prong?

3 A I don't think I was clear in what I was trying to
4 characterize. If we took out intellectual disability from
5 that statement, the same argument could be made in the
6 diagnosis of ADHD where one would say, well, you know, you
7 shouldn't consider the person's potential in making that
8 diagnosis, or how they might perform if they were in a quiet
9 highly structured environment. Because if you did that, you
10 might conclude that they don't have ADHD, but the bottom line
11 is that on a day-to-day basis, their behaviorally out of
12 control, they're not paying attention, they are impaired in
13 two or more settings. So they do have ADHD. That's what I
14 was trying to express.

15 Q Okay, let me turn to your analysis of the -- your
16 discrepancy analysis.

17 Do you know what I have in mind here?

18 A The charts that we saw earlier.

19 Q Yes.

20 A Mm-hmm.

21 Q Do you address that issue in your report?

22 A I do.

23 Q And where is that?

24 A This is in the summary of the I.Q. testing starting on
25 Page 20 where I lay out the scores and I give a brief analysis

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1 of each.

2 Q Okay.

3 A Continuing through Page 23 where I summarize what my
4 conclusions are based upon that analysis. It begins at the
5 bottom of Page 22.

6 Q What you say in your second bullet point there is because
7 of the differences that youre looking at, and I'm quoting here
8 from Page 23, "The full-scale I.Q. was typically not an
9 accurate reflection of his true abilities because it reflected
10 scores measuring two very different ability areas."

11 A Yes.

12 Q So, basically, what youre advocating here is that the
13 Court not look at the full-scale I.Q.s but rather at the
14 organization of the scores around the Verbal Comprehension
15 Index and Perceptual Organization Index that youre focused on?

16 A That's correct and here's why.

17 Q Okay.

18 A I see this as a common error in evaluations that I
19 review. And if we look at the verbal skills, we're talking
20 about tasks that involve, for the most part, - that involve
21 words, that involve expressing one's self, understanding one's
22 self.

23 We look for visual tasks, for the most part words
24 are not involved. They involve speed, they involve
25 organization, perceiving, copying visual information,

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1 reasoning with visual information. They're very different
2 skills. It makes no sense when you have verbal skills here
3 and visual skills here to then conclude that the person's
4 overall functioning is somewhere in between. You're averaging
5 two very different skills to draw that conclusion. So if I a
6 person is a 70 here and the 100 here on the visual --

7 Q Yes.

8 A -- and you come up with, okay, he's somewhere in between
9 he's hand 85 overall. No, that's not right. He's not
10 low-average overall. What he is, is a person with significant
11 verbal challenges but pretty good visually based intelligence.

12 Q Right.

13 A So he's average in that domain and, to me, that shows
14 when you take away the area in which he is challenged, he is
15 of average intelligence and that's important. When you focus
16 on that summary score, you're losing that information and you're
17 making a conclusion about overall functioning that is not
18 correct.

19 What Dr. Kaufman says is that if you look at the
20 four processing areas, and you've got a spread of 25 points
21 among those areas, which is common in individuals with
22 learning disabilities, you should not use a full-scale I.Q.

23 He also says that if you see a difference between
24 verbal and performance I.Q. that is large you shouldn't draw
25 that conclusion either although I'm not sure what level he

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1 says you should do that at. Typically, I look at the standard
2 deviation, 15 points.

3 Q So just to be clear, though, youre advocating not looking
4 at the full-scale I.Q. but looking at something else?

5 A Yes.

6 Q Okay.

7 And the something else you said you explained how if
8 he had two different scores, just hypothetically, a 70 and a
9 95 and you averaged those. Your average is not going to be an
10 accurate reflection of overall intellectual abilities;
11 correct?

12 A Correct. Because it fails to capture the person's
13 strengths, and the ways in which they can reason and problem
14 solve at an average level which is going to affect their
15 day-to-day functioning. It will allow them to function.

16 Q And, in your opinion, what is the best measure?

17 If we don't look at full-scale I.Q., what is the
18 best measure someone's overall intellectual functioning?

19 Is it the Verbal Comprehension Index? is it the
20 Perceptual Organization Index? or is it something else?

21 A It depends on the person and it depends upon the profile.
22 What I look at in my assessments is the overall pattern of
23 strengths and weaknesses. And often, in a person with a
24 language-based learning disability, I look across a range of
25 visual tasks and I find the Perceptual Organization Index is

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1 way higher than the Verbal Comprehension Index.

2 When I look at reasoning and problem solving, I may
3 look at a measure called the "Tower of London," which I like
4 better actually than the TOWRE Test on the DCAF's because you
5 can look at speed and accuracy.

6 Surely, nonverbal tasks, when a person does better
7 than that on the 20 questions, which is a verbal problem
8 solving task. When they do better on organizing the
9 Rey-Osterrieth Complex Figure; when they draw it than they do
10 on organizing the words on the California Verbal Learning
11 Test; when they do consistently better on the Visual Memory
12 Measures than the Verbal Memory Measures.

13 I've got pretty strong data that in the visual
14 domain they're normal or strong and I combine all of those
15 data with the information from the Perceptual Reasoning Index
16 to conclude that's where their strength lies and these
17 measures, some of which are not part of the I.Q. test, really
18 capture their intelligence, they can capture what they do well
19 on a day-to-day basis.

20 The opposite may apply in someone who has what seem
21 people refer as to a nonverbal learning disability where we
22 see the exactly the opposite pattern. All of the verbal
23 skills are high and the visual skills are low.

24 Q And so, the answer to my question is you can't really
25 tell me which is a better measure of intellectual functioning

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1 because it depends on an individual case?

2 A It does.

3 Q So there's no way you can, if you put aside the
4 full-scale I.Q., there's no way without looking at an
5 individual case that you can say, okay, we're not going to
6 look at full scale, we're going to look at verbal or
7 performance or some combination other than verbal and
8 performance?

9 A That's correct. And I think it is an appropriate way to
10 do that because if there's an overreliance on the use of
11 summary scores.

12 I see this often where a school will say, well, we
13 have to have the broad reading score from the
14 Woodcock-Johnson, or we have to have the full-scale I.Q.
15 Everybody thinks the summary score is the best measure. But
16 it isn't always there seems to be a reflexive move toward that
17 summary score when that score may, in fact, reflect very
18 different skills going into it and is not an adequate
19 reflection of overall function.

20 Q Now, you realize that some experts in your field argue
21 that the best measure of intellectual functioning, if you're
22 going to put aside full scale is actually verbal, the verbal
23 I.Q.?

24 A That only applies if someone doesn't have a significant
25 language-based learning disability. If, from their early age,

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1 they have trouble understanding language and putting their
2 thoughts into words, then the verbal I.Q. is not going to be
3 an accurate reflection. Some would argue that in that
4 instance that block design is a more effective measure and, in
5 fact, there's a measure called the Test of Nonverbal
6 Intelligence, the TONI, that takes at conceptual thinking and
7 reasoning on a purely visual test. Its very similar to matrix
8 reasoning. Its another older test called Raven's Progressive
9 Matrices.

10 Q So there's no consensus within your field that once you
11 turn away from full-scale I.Q. of what we can use to assess
12 intellectual functioning. Would that be fair to say?

13 A I think that most of my colleagues would agree that it
14 really depends upon the particular person. Sternberg, and
15 I've not read his work extensively, but Sternberg, Howard
16 Gardner at Harvard, have talked about multiple intelligences
17 and they have also chided us not to rely solely on our tests
18 to measure intelligence. They emphasize that functional piece
19 and looking at that.

20 Q We have an article in evidence, its Exhibit B the Mikvah
21 article in the Journal of Psychiatry and Law. "Atkins v.
22 Virginia Implications and Recommendations for Forensic
23 Practice."

24 And it says at Page 154, "Some mental health experts
25 in Atkins cases have argued that when there is a substantial

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1 disparity between verbal and performance I.Q.s, only the lower
2 scores should be used to determine intellectual deficits for
3 purposes of diagnosing mental retardation."

4 Do you agree with that?

5 A No.

6 MS. COHEN: Objection, your Honor. He's not asked
7 the witness if he's familiar with this publication.

8 THE COURT: All right. So ask.

9 Q Have you read that article?

10 A I have not.

11 Q Do you agree, whether you've read it or not, do you agree
12 with the statement that, "Where there is a substantial
13 disparity between verbal and performance I.Q.s, only the lower
14 score should be used to determine intellectual deficits for
15 purposes of diagnosing mental retardation."

16 A No, I don't, and the first few words of that sentence are
17 key, "Some experts have argued." It doesn't say, "Research
18 has shown." There's nothing backing that up other than
19 someone's opinion.

20 Q So it's a controversial issue once you stray from
21 full-scale I.Q., fair to say?

22 A Perhaps among some.

23 Q Okay.

24 Now, your argument about why the full scale is not
25 accurate. You're assuming there you've got two valid verbal

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1 and performance scores; right, in your example?

2 A Correct.

3 Q And it gets complicated, does it not, when you have to
4 start looking at practice effects in a situation where someone
5 is given a Wechsler Instrument seven, eight, nine times?

6 A Correct. Although, again, I believe what Dr. Kaufman has
7 written, and I may be wrong, but I believe what he said is
8 that the practice effect occurs the most on the second
9 administration of the test.

10 And its interesting that in some other psychological
11 settings where the goal is to track, say, the effect of a drug
12 over time, and you want to eliminate the practice effects,
13 what they do is they administer the tests in close succession
14 to get up to an asymptote, to get up to a level of
15 performance, so that they can then see the effect of that
16 intervention. And so, it may be that its the second
17 administration.

18 Now, the other thing to consider here, while I agree
19 that if you administer the same test over and over again you
20 can see some improvement purely because of that. Even
21 Dr. Kaufman says you also have to look at the interval, the
22 degree of practice effect might vary depending upon the
23 interval.

24 I would add to that the point that I made earlier
25 that you have to look at whether this is the same test or

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1 simply the same format, or whether there are changes and there
2 have been changes in the I.Q. tests over the years from the
3 WISC-R to the WISC-III to the WAIS-III to the WAIS-IV that
4 introduced new, novel unfamiliar tasks that reintroduce that
5 novelty that is important for assessment to get a, "real
6 score?"

7 Q Your understanding of what Dr. Kaufman's views are we
8 have in evidence they're in that blue book. There is a tab
9 which says "Kaufman Practice Effects" to your left there.
10 Kaufman 1994?

11 A Yes.

12 Q Do you see that. Have you read that?

13 A I have not.

14 Q Okay.

15 Let me ask you, since you reference Dr. Kaufman.
16 What he says in that article, and its in evidence, is,
17 "Clinicians should understand the average practice effect
18 gains in intelligence scores for children, adolescents, and
19 adults. The expected increase of about five to eight points
20 in global I.Q. renders any score obtained on a retest as a
21 likely overestimate of the person's true level of
22 functioning -- especially if the retest is given within about
23 six months of the original test, or if the person has been
24 administered a Wechsler scale (any Wechsler scale)," emphasis
25 in the original, "several times in the course of a few years."

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1 He's talking there about two very different things,
2 is he not? One is giving a test within a six-month period and
3 the second thing he's talking about there is giving a Wechsler
4 scale, any Wechsler scale, several times during the course of
5 a few years.

6 A This was written in 1994.

7 Q Right.

8 A One has to take that in the context of intelligence
9 testing in 1994, specifically, at that time. We had two
10 iterations of intelligence tests. I believe we had the
11 WISC-III and then we has the WAIS-R. We weren't even at the
12 WAIS-III at that point. The intelligence tests that were
13 developed were very, very similar. We did not yet see matrix
14 reasoning as a subtest. We didnt see visual puzzles until a
15 couple of years ago.

16 So we're dealing with similarities among the WISC-R,
17 the WISC-III, and the WAIS-R that are going to bring out those
18 practice effects. I would wonder if Dr. Kaufman has revised
19 that statement and looked at what happened when we changed to
20 the WAIS-III or the WAIS-IV. Does that same degree of
21 practice effect still apply?

22 (Continued on the next page.)

23

24

25

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1 A From a hypothetical standpoint, I would think that it
2 might be attenuated because you've changed the test, you made
3 things that are very, very different from what they were as
4 opposed to the similarity among the intelligence tests that
5 were being used in 1994.

6 (Continued on the next page.)
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1 BY MR. BURT:

2 Q Well, let's take a look. In that same binder is
3 Dr. Kaufman's book from 2006. If you look at page 164 of that
4 book, he's talking about something in this section called
5 progressive error. Do you know what that means in reference
6 to practice effect?

7 A Yes.

8 Q What is your understanding of progressive error?

9 A That the assessment becomes less accurate over time
10 because of the accumulation of practice effects.

11 Q In more than one administration?

12 A I'm sorry, I --

13 Q Yeah. What he says under the term practice effects and
14 progressive error, first sentence on page 163: "With all
15 tests, the effects of using the same instrument repeatedly
16 introduce unwanted error into the analysis, a confounding
17 known as progressive error."

18 Is that your understanding of what progressive error
19 is?

20 A Yes.

21 Q And then --

22 A Can you show me, though, where you are on 163, so I can
23 be in the same place?

24 Q Yeah, it's 163 at the very bottom, second column.

25 A So what's continuing on the next page?

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1 Q Correct.

2 And then by this time the WAIS-III has been
3 published, right?

4 A By 2006?

5 Q Yes. He's writing this at a time when the WAIS-III is
6 already out there because he's actually talking about the
7 WAIS-III.

8 A Correct.

9 Q Right. And he says: "Even if the practice affect
10 dissipates after a year or two and is smaller for elderly
11 adults than young and middle-aged adults, this variable still
12 moves large in longitudinal investigations. The practice
13 effect may not impede the results" --

14 A I'm sorry, can you point again? I'd like to read along
15 with this because --

16 Q Sure.

17 A -- I also want to see. Okay, the bottom of that
18 paragraph.

19 Q First paragraph, last sentence. "Even if the practice
20 effect dissipates after a year or two and is smaller for
21 elderly adults than young and middle-aged adults, this
22 variable still looms large in longitudinal investigations.
23 The practice effect may not impede the results of the first
24 retest in a longitudinal study, but it surely will not
25 disappear by the third, fourth, or fifth retest, and may be

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1 quite large even for elderly individuals."

2 Do you see that?

3 A Yes.

4 Q And then in the next paragraph second, next column,
5 second paragraph, last sentence he says: "When individuals
6 are tested" --

7 THE COURT: Try to go slower. You've got to go
8 slower.

9 Q Quote, "When individuals" --

10 A I'm sorry, I still don't have the place there.

11 Q Okay. Let me back up. The paragraph begins "The
12 performance subtests..."

13 A Okay.

14 Q And about halfway through that paragraph he's talking
15 about eight point gains and he says: "When people are
16 retested after a few weeks or months, they seem to remember
17 only a few specific nonverbal items; even if they recall many
18 of the puzzles or pictures, no feedback for correctness is
19 given either during or after the test. What people do tend to
20 remember is the type of items they faced and the kind of
21 strategies and attack modes that seemed successful. When
22 individuals are tested repeatedly on Wechsler's Performance
23 tasks, they no longer measure the kind of intelligence that
24 thrives on novel problem-solving tasks with visual-spatial
25 stimuli, and it becomes questionable whether they measure

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1 intelligence as opposed to a combination of mental ability,
2 long-term memory, and the ability to apply learning sets."

3 Do you see that?

4 A Yeah, I understand. I understand what he's saying there.
5 But, again, I would still make the point that Miller
6 intelligence test have introduced novelty into this, and that
7 by -- by doing so you are looking at intelligence,
8 particularly on the WAIS-IV where we have a very novel test
9 that's never been seen before.

10 I would also argue that there are -- again, in line
11 with what Dr. James said, there are other ways of looking at
12 intelligence beyond the IQ tests and that's not the only thing
13 to look at.

14 Q Right, and we'll get to that.

15 And how is that argument that you just made about
16 the WAIS-IV apply to the earlier scores, because he's not --
17 he's not given a different -- he's not given the WAIS-IV until
18 the very end of the line here. Right?

19 A I actually find it fascinating that if you look at the
20 scores from 1989 and you look at the scores in 2012, they're
21 almost identical, although actually the IQ there would be
22 correctly labeled verbal comprehension and conceptual
23 reasoning because the IQ scores don't exist anymore.

24 To me, it's remarkably consistent, and I keep coming
25 back to this striking consistency among these data.

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1 Q Right. And it's strikingly consistent -- it would be
2 strikingly apparent that the practice effects -- if what
3 Kaufman is saying is right, that is you keep repeating this
4 test over and over again, your performance scores are going to
5 be elevated, that these performance scores you're seeing here
6 are consistently elevated. Correct?

7 A The performance scores are consistently higher than the
8 verbal skills.

9 Q Right. And they could be as a result of practice effect,
10 not as a result of some inherent ability of Mr. Wilson. Isn't
11 that true?

12 A It could be, yes.

13 Q Right. So if that in fact is the case, then first of
14 all, the full scale IQs are going to be overestimates of his
15 abilities. Correct?

16 A If that's the case, yes.

17 Q And your verbal performance analysis that you're looking
18 to is also going to be skewed, because you don't have accurate
19 performance values. You're using a value for performance
20 which has been bumped up as result of practice effects.
21 Right?

22 A Potentially, yes.

23 Q Okay. And in terms of the point you were making, that
24 while the tests have changed over the years, that argument
25 certainly is -- isn't going to apply to the three WISC-Cs he's

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1 given -- excuse me, five WISC-Cs in the middle. Right? Those
2 are --

3 A The WISC-III do you mean?

4 Q Yeah, the WISC-III.

5 A Those are where it would be more vulnerable to the
6 practice effect.

7 Q Right. And the difference between the WISC-R and the
8 WISC-C, they're still going to contain -- they're still going
9 to be subject to practice effects for the reasons Kaufman
10 says. Right?

11 You're not testing novel practice effects. Even
12 whatever slight differences or any differences there are
13 between the WISC-R and the WISC-III, they're not significant
14 enough where you would have no -- where you could say with
15 confidence that there's no possibility of practice effects?

16 A I would agree.

17 Q Okay. And similarly, the differences between the
18 WISC-III and the WAIS-III are not significant enough where you
19 could say, you can rule out practice effects there?

20 A I would disagree with that. They're we're getting into
21 more significant difference, because if you look at the
22 subtest that make up the WAIS-III and those that make up the
23 WISC-III, they are different. And I mentioned this earlier,
24 that there were changes in which the WAIS-III is done.
25 There's still similarly in format, but not in the items.

Mapou - Cross/Burt

1 Q Okay.

2 A And what really struck me on the WAIS-III -- if you want
3 to look at individual scores, go back to my data. The first
4 WAIS-III in 1990 where there was a picture completion score of
5 at the 84th percentile. And that's a test that requires
6 reasoning. That test changed quite a bit.

7 Now, the scoring picture completion was pretty much
8 always average. He's very consistent score from 1989 all the
9 way through. It dropped on that 1991 evaluation where I
10 believe there was some question of effort and engagement in
11 the testing, but it pretty much was consistent, and then it
12 really jumped up on the WAIS-III.

13 These were different items, they were harder items
14 because they were designed for adults and they were also
15 presented in a larger format, bigger pictures and full color
16 as opposed to black and white.

17 I -- that -- that -- essentially, that difference
18 there is more than a standard deviation, it's about a 15-point
19 difference. And that I would question whether that's a
20 practice effect. Of course, that's just one score.

21 Q Right. And you are -- you're not disagreeing with
22 Dr. Kaufman that there can be practice effects across these
23 instruments. There may be -- it may be greater if you're
24 given the same instrument but you're not in a position to say,
25 now these various iterations of these tests are so different

Mapou - Cross/Burt

1 that we can rule out practice effects?

2 A No, I would not disagree with that.

3 Q Okay. "The best measure of Mr. Wilson's intellect may
4 have been the first evaluation in 1989, because subsequent
5 evaluations were influenced by lack of improvement in school,
6 due to the behavioral issues...and possible practice effects
7 (Performance IQ)." Right?

8 A Correct.

9 Q And when you say "it may have been the best measure of
10 his intellect," the best measure of his intellect when? When
11 it was given or in 2003?

12 A That's a good question because I heard your line of
13 questions earlier. When I wrote that statement I was
14 thinking, what is the purest measure of intellect. And
15 Dr. Kaufman has written that often the best measure, assuming
16 you have a valid administration, is the very first time an
17 intelligence test is done.

18 On the other hand, we do know that intelligence at a
19 young age does not predict as well intelligence in older age,
20 that intelligence tests results are far more stable when
21 you're testing a teenager than when you're testing a little
22 kid.

23 Q So that the score at age six you would agree, per the
24 discussion you heard, is not going to be predictive of 2003?

25 A It might be, but it may be less predictive than scores at

Mapou - Cross/Burt

1 a later age.

2 Q Okay. And then lastly this idea that you can look at the
3 discrepancies and that you're relying on Kaufman to say that
4 there are patterns in learning disabilities for your
5 perceptual greater than verbal profile here, he says, does he
6 not, at 327 in his book, which I think is there in front of
7 you?

8 A Yes.

9 Q And this is a section on learning disorders, correct?
10 Learning disabilities --

11 A Tell me where you're looking.

12 Q 318.

13 A 318?

14 Q Yeah, that will begin the section.

15 A Okay.

16 Q So he's -- that having this learning disability, and he's
17 got a subsection "Review of Research Findings on a P greater
18 than V Profile." Right?

19 A Got it.

20 Q And then if you look at page 320, he's discussing a study
21 by Rack in 1997, in which he administered the WAIS-R to adults
22 with learning disabilities?

23 A Yes.

24 Q And he notices that that study found a perceptual greater
25 than verbal in 78 percent of the sample but in 21 percent of

Mapou - Cross/Burt

1 the sample the pattern was reversed?

2 A I see that, that's true. But 78 percent is pretty large.

3 Q Yes.

4 A And it means that more often than not, you see that
5 profile.

6 Q Okay. We're trying to get at whether you can use this to
7 diagnose as opposed to just sort of taking it into account?

8 A No, I would never use it alone to diagnose. Again, it's
9 one piece of the pattern that I'm looking at, but to diagnose
10 you have to look at the academic skills and the academic
11 performance.

12 Q And you would also agree with me that the same kind of
13 pattern is present for mild -- mildly mentally retarded. In
14 other words, you see some patients who are performance greater
15 than verbal and others who are verbal greater than
16 performance?

17 A So you can see that pattern in anybody, not just mild MR.

18 Q Right.

19 A You can see that in normal individuals who have no
20 impairment.

21 Q So in that sense, there is no way to use that discrepancy
22 to distinguish someone with a learning disability from someone
23 who is intellectually disabled, just based on those
24 discrepancies alone. Correct?

25 A Based upon those discrepancies alone, correct.

Mapou - Cross/Burt

1 Q And that's what Kaufman says, doesn't he --

2 A He does.

3 Q -- at 327?

4 He says you can't -- these things are suggestive but
5 you cannot use them diagnostically?

6 A No. But in fact, Dr. Kaufman and I were involved in a
7 debate in 2009. We were both on the same side of the issue
8 arguing the need for comprehensive assessment for learning
9 disability diagnosis.

10 Dr. Kaufman's argument was regarding why
11 intelligence tests were important for learning disability
12 evaluations. And the point that he made is that they are
13 important because we in fact can look at these patterns of
14 strengths and weaknesses using the different processing
15 indices, as he called them.

16 And we both agreed that the IQ test was useful as
17 one tool in an evaluation and that it was especially helpful
18 to look at the profile on the cognitive indices.

19 Q And you agree, too, that the profile is the same for
20 mildly mentally retarded? In other words, you can look at
21 these differences and point to studies that say well, there
22 are people with mild mental retardation who have a performance
23 greater than verbal profile?

24 A I can't -- I can't comment on that because I have not
25 read that literature.

Mapou - Cross/Burt

1 Q Well, take a look at section in that same page 334.

2 THE COURT: Of?

3 MR. BURT: Of the Kaufman article under mental
4 retardation.

5 THE COURT: Which column?

6 MR. BURT: It's Exhibit C in the -- the textbook
7 Assessing Adolescent and Adult Intelligence, Third Edition.

8 THE COURT: And the year again?

9 MR. BURT: 2006.

10 Q Do you see that?

11 A Mental retardation?

12 Q Yeah.

13 A I also find it interesting that it says portions of this
14 section are adapted from Chapter 15, the first edition, which
15 means using older tests.

16 Q Portions. Right? Meaning, he's probably updated it?
17 Right?

18 A Hopefully.

19 Q And then he's looking at WAIS profiles there and he says:
20 "The data available on the characteristic WAIS or WAIS-R
21 profile of individuals who are mentally retarded do not yield
22 a consistent VP profile. Several studies support a P greater
23 than V profile in developmentally disabled populations, but
24 there are also those which support the V greater than P
25 profile."

Mapou - Cross/Burt

1 A Again, I am going to argue that the profile in and of
2 itself doesn't diagnose anything.

3 Q Right.

4 A And again, that speaks to the whole issue of normal
5 variable, which my colleague Larry Binder and David Schretlen
6 have looked at and found wide ranging variation. One doesn't
7 diagnose solely on the basis of the IQ discrepancy, it is one
8 piece of data that we have to contribute to the big picture.

9 Q Right, and that's the point I was trying to make.

10 MR. BURT: And I thank you, very much. That's all I
11 have.

12 THE COURT: Okay.

13 MS. COHEN: Just have a couple of questions if we do
14 it right now.

15 THE COURT: Just a couple of questions?

16 MS. COHEN: Yeah, five minutes.

17 THE COURT: Five minutes? I'll time you.

18 MS. COHEN: Okay.

19 THE COURT: Okay, go ahead.

20 REDIRECT EXAMINATION

21 BY MS. COHEN:

22 Q Dr. Mapou, I just want to turn your attention to that
23 same, if you flip the page under mental retardation and you --
24 there is -- there is a study there. If you could just --

25 A Flip the page which way, to 335?

Mapou - Redirect/Cohen

1 Q To 335. And if you go down there's a study about a total
2 of 863 individuals.

3 A You're going to have to put me on the page here.

4 Q It's on page 335, the first column.

5 A First column?

6 Q Yeah. Instead of reading it all, if you can just read
7 that to yourself, that there's a study --

8 A I'm sorry, I'm still not sure where you're starting.

9 Q Sure. The first column, 335.

10 A Yes.

11 Q Eight lines down.

12 A Eight lines down. "Overall, the weighted mean" -- these
13 sample include the total -- okay, these samples included a
14 total of 863 individuals, males and females, right, yes.

15 Q And if you can read overall where you started, "Overall,
16 the weighted mean."

17 A Yeah. Well, of the 14 samples, 10 had a performance
18 greater than verbal profile but one to seven while four groups
19 had verbal greater than performance of one to three. Overall,
20 the weighted performance greater than verbal discrepancy of
21 the 14 samples equal 2.7 points, suggesting a slight tendency
22 for samples of adolescents and adults with mental retardation
23 to score higher on the performance than the verbal scale.
24 However, three of the four samples showing the strongest
25 performance greater than verbal profiles, mean discrepancies

Mapou - Redirect/Cohen

1 of seven points had performance IQs of 84 to 86, suggesting
2 that the definitions of retardation may be a bit lax in some
3 of the investigations. For those appropriately diagnosed as
4 mentally retarded, a performance greater than verbal profile
5 may be nonexistent."

6 Q Does that -- what do you understand that to mean?

7 A Dr. Kaufman is saying that a performance greater than
8 verbal profile is less likely in individuals with mental
9 retardation and may not even exist at all.

10 Q Now, you were also -- I want to ask you a question about
11 the practice effect that you were asked on cross-examination.
12 You talk -- you were asked questions about potential practice
13 effects that could happen. Do you recall that?

14 A Yes.

15 Q And you acknowledge that there can be practice effects.
16 Right?

17 A Yes.

18 Q But in this case, do you see evidence here of practice
19 effects?

20 A I see a lot of evidence of stability. I don't see a
21 great improvement until we eliminate the verbal and
22 performance IQ focus and go to the verbal comprehension and
23 perceptual organization focus.

24 When we take out the measures that are more likely
25 to be impaired in someone with a learning disability or ADHD,

Mapou - Redirect/Cohen

1 we see a larger discrepancy between the two domains. Could
2 that improvement be practice effects? Maybe. But again, I'm
3 struck by not improvement but just stability; in other words,
4 keeping up with peers over time in these domains as opposed to
5 dropping behind peers.

6 In people with ADHD for example, on the processing
7 speed subtests, simple search and digit symbol, because
8 they're slow, their peers over time are getting faster, that's
9 accounted for in the normative data. Kids get faster over
10 time. So at age ten, let's say, average is 60 seconds, but by
11 age 14, average has to be 90 seconds. The ten-year-old with
12 ADHD might be average doing the test in 60 seconds at age ten,
13 but at age 14 he's still doing the test at 60 seconds. So
14 he's gone down now. That's no longer going to be average in
15 comparison with his peers.

16 What I think is interesting, we know from
17 neuropsychological studies that these measures of processing
18 speed, digit symbol, symbol search, trail making, if you do
19 these over and over again, that's where you actually see the
20 most practice effects, they're mechanical repetitive tests
21 with the same stimuli. That's where people are most likely to
22 get better.

23 But that's not what we see. What we see if we start
24 out, we see coding of 12 at age six. Next we see coding of
25 six. We see coding low average in the next one. And then at

Mapou - Redirect/Cohen

1 age 12, coding is four. At age 17, it's about the same. What
2 that suggests to me is exactly that profile, that he stayed
3 the same speed-wise. He didn't show any practice effects
4 there. Speed stayed about the same. So the score actually
5 dropped on those as opposed to the other areas. And
6 particularly when you factor in the changes in some of the
7 performance tests where the scores actually went up on
8 different tests.

9 Q Okay. And when we -- on cross-examination when you were
10 asked about practice effects, you were also asked about that
11 in respect -- with respect to the discrepancy. The very first
12 test in 1989, there's a discrepancy between the verbal and
13 performance, or is there a discrepancy?

14 A There is a discrepancy. It's nine points, so it's less
15 than a standard deviation. I think it's reasonable to report
16 the full scale IQ then, which is in the low average range.

17 Q But the greater performance versus verbal, obviously
18 there couldn't be any practice effect with respect to that
19 test. Is that --

20 A Correct.

21 Q Now, you were also -- one more question. You were also
22 asked about in your report the sentence, therefore, the full
23 scale IQ was typically not an accurate reflection of his true
24 abilities because it reflected scoring -- scores measuring two
25 very different ability areas. That was read to you from page

Mapou - Redirect/Cohen

1 23 of your report?

2 A Yes.

3 Q And you were asked about that. It was rephrased a little
4 bit. You were asked if you wanted -- if that sentence meant
5 that the court should not look at full scale IQ. Is that what
6 you meant by that sentence?

7 A Was I asked that question? I don't recall being asked in
8 quite those words.

9 Q Yes. Well, I'm pointing it out because it was -- it was
10 said with respect to that sentence, and I just want to make it
11 clear. Are you -- what you mean by that sentence. In other
12 words, do you mean can you look at the full score or when
13 you're looking at the full score, do you have to take into
14 consideration that you've got this issue that the verbal is
15 pulling the score down?

16 A As a clinician when I see that, I don't report the full
17 scale IQ.

18 In a legal context, I would agree with the latter,
19 that you can look at the score but you have to take into
20 consideration the fact that these are two very different
21 scores. Does that distinction make sense?

22 Q That's exactly what I was wondering.

23 MS. COHEN: Thank you, your Honor, no further
24 questions for the witness.

25 RECROSS-EXAMINATION

Mapou - Recross/Burt

1 BY MR. BURT:

2 Q Now, just on that portion of Kaufman that she read to
3 you.

4 A Yes, sir.

5 Q In the next paragraph he says: "The research on IQ
6 particularly Wechsler IQ, has indicated that there is not one
7 simple pattern of performance on IQ test that is consistent
8 across individuals with mental retardation."

9 A I'm sorry, can you show that -- again, I'm having trouble
10 finding it right away.

11 Q 336.

12 A 336, okay. This was back on 335. So if we're on 336.

13 Q Second paragraph.

14 A I'm sorry, is this under the heading "Clinical
15 Implications of Finding"?

16 Q Yes.

17 A Okay. In that paragraph.

18 Q The next column over, the same page.

19 A The next column over. Now I found it.

20 Q He says: "The research on IQs, specifically Wechsler IQ,
21 has indicated that there is not one simple pattern of
22 performance IQ test that is consistent across individuals with
23 mental retardation."

24 Do you agree with that?

25 A Yes.

Mapou - Recross/Burt

1 Q Okay. And then the last thing is, when you're --

2 A But there's a second sentence after that.

3 Q Yeah. "Thus without examination..."

4 A "...of an individual's profile..."

5 Q Right.

6 A "Individual's profile," which is the point that I made
7 earlier. Assumptions about the functioning of an individual
8 with mental retardation cannot be made on the basis of what is
9 known from studies of group data. That emphasizes my report
10 earlier where I said it depends on the individual, and that's
11 what you have to look at.

12 Q Right. And when you look at the individual, what you're
13 assuming here -- are you assuming that you can look at these
14 score totals and say that well, since between two points in
15 time the score didn't go up, that there was no practice
16 effects here?

17 A No, I can't conclude that entirely.

18 Q Because there are many variables that can affect
19 performance on any individual case?

20 A Correct.

21 Q So you can't look at these patterns and say, well,
22 they're relatively stable and therefore you've got a good
23 overall profile here, unless you take into account also the
24 influence of practice effects which is a confounding variable.
25 Correct?

Mapou - Recross/Burt

1 A You know, I would agree it's a confounding variable. One
2 of the things that I frequently have when I see folks is a
3 series of IQ tests that have been done over the years on --
4 you know, from little kid up to young adults. And I would say
5 this -- this level of consistency isn't that common. So it
6 really strikes me when I see this amount of consistency.

7 I see kids who start at one place and they're really
8 good in another place, often when they're tested by an
9 admissions counselor who is trying to get them into the school
10 and their tests drop again. And they go to college and they
11 learn how to do things more effectively, so their skills go
12 up.

13 But I still give weight to the consistency in these
14 scores while acknowledging that practice effects can play.
15 Some role the difficulty always is this is complex and it's
16 hard to tease out every variable.

17 MR. BURT: Thank you, that's all I have.

18 THE COURT: Anything else?

19 MS. COHEN: Nothing further, your Honor.

20 THE COURT: I have one question. When did
21 Dr. Kaufman die?

22 THE WITNESS: Dr. Kaufman?

23 THE COURT: Yeah.

24 THE WITNESS: Dr. Kaufman is alive and well.

25 THE COURT: You're kidding?

Mapou - Recross/Burt

1 THE WITNESS: I'm not kidding.

2 THE COURT: That's very interesting because he's
3 been in this room but I thought only his spirit was in this
4 room.

5 THE WITNESS: No, Dr. Kaufman is quite well and
6 still working actively.

7 THE COURT: I'm very happy to hear that. You're
8 excused, you may stand down.

9 THE WITNESS: Thank you, your Honor.

10 THE COURT: Anything else?

11 MS. COHEN: No, your Honor. I don't think I need
12 the witness. I just realized I never offered this witness's
13 report as Government Exhibit 68, and his raw data is marked as
14 Government Exhibit 69.

15 THE COURT: Any objection?

16 MR. BURT: No, your Honor.

17 THE COURT: Government Exhibits 68 and 69 are
18 received in evidence without objection.

19 (Government's Exhibit 68 and 69 received in
20 evidence.)

21 THE COURT: Any other witnesses?

22 MS. COHEN: No, your Honor. The government rests.

23 THE COURT: All right. Anything else from the
24 defense for the hearing?

25 MR. BURT: No, your Honor.

Mapou - Recross/Burt

1 THE COURT: Okay. Then let's go over the schedule
2 for briefing. I'm going to set a schedule for briefing. The
3 defense brief is due on December 21st, the government's
4 response is due on January 4th, and any responsive briefing by
5 the defense is due on January 11th.

6 I'm permitting 50 pages for each of the opening two
7 briefs and 20 pages for the reply, if any. Of course, brevity
8 and conciseness is deeply appreciated. If you can do it in
9 less than 50 pages, it will be appreciated.

10 Now, I'd emphasize that this is a close case as is
11 clear from the testimony over the last week and a half and the
12 parties briefing should be thorough but concise. You can
13 consolidate the pertinent portions of the documentary and
14 testimonial evidence in the case and should provide any case
15 law that would be helpful to the court's decision.

16 The briefing should address all of the issues
17 relevant to the merits of this motion but there are several
18 particular areas of concern, and I'm going to identify them so
19 that you will be clear as to what I mean.

20 First, as a general matter, whether the mental
21 retardation inquiry is ultimately an issue of law or fact. In
22 other words, is the court required to ask simply whether the
23 scientific community would consider Mr. Wilson to be mentally
24 retarded; that is -- and when I say mentally retarded, I'm
25 using the terminology that was used in Atkins for the purposes

Mapou - Recross/Burt

1 of this discussion, even though I understand that in more
2 recent time intellectual disability has been substituted for
3 mental retardation in the literature.

4 So that is must the court determine the most
5 reliable definition of current psychological thinking and
6 simply apply that definition; or, are there underlying legal
7 considerations that the court must undertake in making an
8 essentially legal determination.

9 For example, A, the rational set forth in Atkins
10 such as the law -- the Torrance effect of sentencing mentally
11 retarded individuals to death and the risk of false
12 confessions; and, B, whether a particular definition of mental
13 retardation would be consistent with general Eighth Amendment
14 principles.

15 Second, whether the court must apply modern clinical
16 definitions of mental retardation or the definitions in place
17 at the time of the Atkins decision.

18 Third, whether there are important differences
19 between the AAIDD definitions of mental retardations and those
20 set forth in the DSM-IV-TR; and, if so, to which the court
21 should give more weight.

22 Fourth, whether the adaptive functioning prong of
23 the mental retardation inquiry informs the intellectual
24 functioning prong; and, if so, precisely how.

25 Fifth, whether there exists an IQ score above which

Mapou - Recross/Burt

1 a person cannot be considered mentally retarded. If not, then
2 how exactly should the court analyze Mr. Wilson's IQ scores.

3 For example, the AAIDD manual requires intelligence
4 approximately two standard deviations below the mean and the
5 DSM-IV-TR requires approximately an IQ score of 70, what away
6 does approximately mean. Does it mean simply that the court
7 must apply a confidence interval; and, if the low end of the
8 interval is above 70, then Mr. Wilson does not satisfy prong
9 one or does it mean that the low end of the confidence
10 interval must be approximately 70.

11 Sixth, how the court should consider varying IQ
12 scores, some of which would support a finding of mental
13 retardation and some of which do not.

14 Seventh, the importance of the raw data. If there
15 is insufficient raw data to fully analyze an IQ score, should
16 the court give less weight to that IQ score or should the
17 court presume that the administrator properly conducted the
18 test.

19 Eighth, the importance of prorating an IQ test; and,
20 if prorating is important, whether Dr. Nagler prorated the IQ
21 test she conducted on Mr. Wilson.

22 Ninth, whether the court should apply the Flynn
23 effect.

24 Tenth, whether the court should take what's been
25 referred to as practice effects into account; and, if so, how

Mapou - Recross/Burt

1 exactly this phenomena should affect the way the court looks
2 at Mr. Wilson's IQ scores.

3 For example, should the court apply some sort of
4 adjustment to the more recent IQ score similar to the Flynn
5 effect, or should it simply give less weight to the
6 performance portion of the later IQ scores.

7 And finally, the importance of the fact that
8 Mr. Wilson's experts did not conduct an IQ test. The court
9 understands the defense's position that a current IQ test
10 would be distorted by practice effects but also understands
11 that these practice effects would affect only his performance
12 IQ. Would it not have been helpful for the defense experts to
13 gauge at least Mr. Wilson's verbal IQ.

14 Now, these areas are not exclusive and the parties
15 should, of course, present their arguments in the manner that
16 they consider persuasive. But I wanted to flag these issues
17 that have been -- that I and we have been struggling with
18 throughout the hearing.

19 In addition, I'd like to know where we are on the
20 preparation of a questionnaire for the venire should the
21 motion be denied. Can someone fill me in on that?

22 MR. STERN: We sent the government a proposal and
23 asked them for their suggestions. They've been busy. I'm not
24 faulting them at all. But I assume they'll make their
25 suggestions or objection. We'll try and work it out. To the

Mapou - Recross/Burt

1 extent we don't work it out, we'll come to you. But I don't
2 expect there to be a tremendous number of issues. So that's
3 where it is.

4 THE COURT: All right. Yes.

5 MS. COHEN: Your Honor, yes, we just haven't had a
6 chance to look at it, but we will do so as soon as possible.

7 THE COURT: All right.

8 MR. McGOVERN: Your Honor, I would just add we had a
9 questionnaire the first time around. I haven't studied what
10 Mr. Stern sent me but is it much different than -- I didn't
11 understand there to be problems with the first questionnaire,
12 so we would have to reinvent the wheel here.

13 THE COURT: Well, there are some things.

14 Yes.

15 MR. STERN: I wouldn't say it's much different.
16 There are some new issues this time. You will see when you
17 look at it. It's very similar -- it's similar to the
18 questionnaires in almost all capital cases.

19 THE COURT: There is an additional major here.

20 MR. STERN: Correct.

21 MR. McGOVERN: Right.

22 THE COURT: And that is whether we question the
23 venire on -- whether we tell -- what we tell the venire about
24 the remand and the prior -- and what we tell -- in effect,
25 what we tell the venire about what happened in the first case

Mapou - Recross/Burt

1 where the defendant received the death penalty from the jury
2 and what we say about the reasons why -- the reason why the
3 case was sent back for a second penalty phase.

4 My concern is -- as long as we're discussing it, my
5 concern is that if we don't advise the venire about this,
6 they're going to know about it anyway by virtue of just being
7 out in the world and they tell someone that they're on this --
8 they're being considered for this case, someone may just say,
9 well, that's the case where the death penalty was imposed and
10 then there was a reversal, and the penalty portion has to be
11 retried.

12 So on that, I need to have your views as to what we
13 do, how we do it.

14 MR. McGOVERN: Okay.

15 THE COURT: If we do it. But I'm inclined to do it.

16 MR. McGOVERN: Well, thank you for advising me. I
17 would imagine that's something you all have spoken to --
18 spoken about this issue in other instances where the
19 government wasn't present. But I will definitely --

20 THE COURT: I had mentioned it at an ex parte on
21 something else, and it's something that I needed to raise with
22 everybody as I said at that time. And according to Mr. Stern,
23 he has done -- there is something in the proposal on that
24 subject.

25 MR. STERN: Correct. We have incorporated questions

Mapou - Recross/Burt

1 addressing those issues. I'm not saying you will like them or
2 not like them, but there are questions addressing those issues
3 that at least raise the issue between us, and we can then talk
4 about --

5 MR. McGOVERN: Well, we'll work on it.

6 THE COURT: All right. And another point is that in
7 introducing the subject to the venire, there's a question --
8 the question is, what do I say in introducing the case to the
9 venire before the venire members fill out the questionnaire.

10 So that's something that you all should also be in
11 discussion about.

12 MR. McGOVERN: Okay.

13 THE COURT: All right.

14 MR. McGOVERN: Thank you.

15 THE COURT: Is there anything else for today?

16 Yes.

17 MR. BURT: Your Honor, just one question about the
18 exhibits, and especially in light of the court's order
19 regarding the briefing. There was some discussion among us
20 that the court might like to see the AAIDD manual that was in
21 existence at the time Atkins was decided. And we have not
22 formally marked that as an exhibit but if there is no
23 objection, I would put in a full copy of that manual as
24 Exhibit W.

25 THE COURT: Is there any objection?

Mapou - Recross/Burt

1 MR. McGOVERN: Absolutely not.

2 THE COURT: All right. Exhibit W is received into
3 evidence without objection.

4 (Defendant's Exhibit W received in evidence.)

5 MR. BURT: And then the second question is, did the
6 court want -- I know the court said to put all the exhibits up
7 on ECF, which we'll do. Did the court also want these in hard
8 copy? Should we take these exhibits --

9 THE COURT: I think -- well, let me get some advice
10 on this. In terms of the books, I don't know that they should
11 be put up on ECF. Is there a desire to put them up on ECF or
12 just provide them to the court?

13 MR. McGOVERN: We have no -- we have no opinion on
14 that. I don't think -- there's no reason that we would want
15 to see the books on ECF.

16 THE COURT: I don't think so.

17 MR. BURT: I think the problem with getting that
18 large documents --

19 THE COURT: We don't want to you do that. We don't
20 want to clutter the electronic record with the books. The
21 books are available. They should be provided to the court by
22 the party that introduced the book.

23 MR. BURT: Okay.

24 THE COURT: And that way we can avoid putting a lot
25 of material on ECF that can be simply more easily accessed by

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1 reading it. All right?

2 MR. BURT: Yes.

3 THE COURT: Everything else should be put on ECF,
4 the articles and the other exhibits, the demonstrative
5 exhibits, everything that's been admitted in evidence. And
6 you should consult with each other so that you have an
7 understanding, mutual understanding on exactly what you all
8 agreed to.

9 MR. BURT: Okay.

10 THE COURT: Okay?

11 MR. BURT: Thank you.

12 THE COURT: Is there anything else from you,
13 Mr. Stern?

14 MR. STERN: There is. I know it's mundane but as
15 you're painfully aware, there's mountains of these binders
16 here.

17 THE COURT: Yes.

18 MR. STERN: If it were possible, we would like to
19 pull a car up in front of the courthouse instead of schlepping
20 them across garage. I don't know if you have control over
21 that, but if you do or you know who does.

22 THE COURT: Are you challenging whether -- is this a
23 test as to whether I can arrange to have a car pull up in
24 front of the courthouse? I think, I think I could do it.

25 MR. STERN: Good.

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1 THE COURT: When do you want it done?

2 MR. STERN: 2:30.

3 THE COURT: All right. Is there anything else from
4 you, Mr. Burt?

5 MR. BURT: No.

6 THE COURT: Anything from the government?

7 THE PLAINTIFF: No, your Honor. We have a binder
8 for the court of all the exhibits and exhibit lists, but
9 we'll -- it just needs to be updated from today and we'll
10 provide it to the court.

11 THE COURT: All right, Mr. McGovern and Ms. Cohen
12 and Mr. Burt, I want to thank you all for the work that you've
13 done on this, and preparing for and conducting the hearing.
14 It's a real challenge and I think you've done a wonderful job.
15 So thank you. The court thanks you. Okay.

16 (Adjourned.)

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<p>A allow... [1] 2096/15 allows [1] 2042/10 almost [4] 2084/7 2089/23 2108/21 2131/18 alone [3] 2114/8 2114/24 2114/25 along [3] 1987/7 2080/25 2106/14 already [9] 1970/4 2034/7 2048/1 2051/6 2051/9 2051/23 2053/8 2062/2 2106/6 also [67] 1964/6 1989/6 1991/7 1992/7 1997/13 1997/21 2001/4 2009/25 2010/12 2017/5 2023/15 2027/20 2028/20 2029/9 2029/12 2031/3 2031/5 2032/13 2033/15 2033/21 2035/9 2036/17 2036/22 2037/17 2037/23 2038/25 2043/1 2043/6 2045/6 2049/6 2051/22 2051/24 2057/16 2059/13 2065/3 2065/8 2066/3 2073/3 2074/24 2076/23 2078/3 2078/14 2078/15 2078/25 2079/3 2079/21 2081/4 2084/3 2090/7 2095/23 2099/17 2101/21 2106/17 2108/10 2109/18 2111/14 2114/12 2116/13 2116/24 2119/10 2121/10 2121/21 2121/21 2124/23 2130/10 2133/10 2134/7 although [13] 1974/6 1989/5 2001/20 2009/6 2018/5 2018/8 2053/10 2064/9 2079/18 2082/2 2095/25 2101/6 2108/21 always [9] 1974/6 2009/15 2009/21 2039/2 2084/7 2087/13 2098/16 2111/8 2125/15 am [14] 1990/4 2003/15 2004/6 2021/11 2027/8 2027/24 2028/1 2029/5 2056/1 2064/19 2066/22 2087/25 2088/2 2117/1 Amendment [1] 2128/13 AMERICA [1] 1963/2 American [2] 1998/16 2028/2 AMMR [1] 1969/19 among [11] 1973/21 2003/18 2042/14 2053/24 2058/19 2095/21 2100/22 2103/16 2104/4 2108/25 2133/19 amount [4] 1987/17 2000/4 2002/6 2125/6 analysis [16] 1998/22 1998/23 2016/16 2020/11 2021/17 2036/17 2042/9 2042/9 2051/14 2064/10 2093/15 2093/16 2093/25 2094/4 2105/16 2109/17 analytic [3] 1989/15 1989/18 1989/20 analyze [3] 2038/16 2129/2 2129/15 analyzed [1] 2050/4 Anastasi [1] 2052/4 Anne [1] 2052/4 another [24] 1969/22 1978/8 1979/3 1979/4 1985/1 1985/12 2021/4 2032/2 2040/4 2044/5 2045/12 2049/21 2054/14 2058/20 2063/5 2063/11 2065/13 2068/22 2082/16 2088/12 2088/21 2099/8 2125/8 2133/6 answer [9] 1970/1 1970/2 1971/2 1971/17 2008/10 2030/17 2035/22 2066/18 2097/24 answers [1] 1970/12 any [47] 1976/22 1980/3 1981/21 1983/7 1983/9 1983/17 1983/20 1984/22 1991/22 1992/22 1999/17 2003/3 2005/5 2009/21 2011/24 2013/4 2014/15 2018/14 2025/3 2025/4 2025/7 2029/21 2046/5 2052/17 2053/6 2057/17 2057/18 2063/12 2069/1 2072/18 2074/11 2080/17 2081/22 2087/25 2102/20 2102/24 2103/4 2110/12 2121/3 2121/18 2124/19 2126/15 2126/21 2127/4 2127/7 2127/14 2133/25 anybody [3] 1995/16 2025/5 2114/17 anymore [3] 2036/14 2056/7 2108/23 anything [15] 1973/13 1991/24 1992/1 2019/24 2038/20 2081/6 2089/23 2117/2 2125/18 2126/10 2126/23 2133/15 2135/12 2136/3 2136/6 anyway [1] 2132/6 anywhere [2] 1979/17 2076/25</p>	<p>apart [1] 1977/20 and... [1] 2082/21 apparent [2] 2073/2 2109/2 appear [5] 1971/9 2001/21 2049/7 2065/22 2074/18 appearance [1] 2013/4 Appearances [1] 1965/9 appears [2] 2000/9 2011/18 applicability [1] 2004/17 application [2] 1998/25 2004/20 applied [2] 2014/22 2072/6 applies [1] 2098/24 apply [20] 1984/18 2000/6 2000/9 2000/10 2001/16 2001/17 2010/24 2022/3 2052/19 2087/22 2097/20 2103/21 2108/2 2108/16 2109/25 2128/6 2128/15 2129/7 2129/22 2130/3 applying [7] 1991/20 1992/4 1999/22 2001/15 2002/15 2016/11 2076/2 appreciate [1] 2073/17 appreciated [2] 2127/8 2127/9 approach [3] 1969/4 2006/21 2073/23 Approaching [2] 1969/5 2006/23 appropriate [7] 1966/14 2023/9 2052/17 2067/24 2068/15 2085/16 2098/9 appropriately [2] 2066/18 2119/3 appropriateness [1] 1996/25 approved [1] 2072/6 approximately [5] 2007/18 2129/4 2129/5 2129/6 2129/10 are [198] are performance [1] 2114/14 area [21] 1968/19 1968/20 1969/20 2002/14 2005/20 2011/18 2018/7 2018/25 2021/24 2027/25 2029/25 2031/7 2039/20 2050/17 2053/5 2055/9 2064/22 2087/21 2089/24 2090/1 2095/14 areas [32] 1992/5 2017/5 2017/10 2017/11 2017/15 2017/21 2017/24 2018/12 2021/11 2021/15 2029/12 2029/15 2029/20 2031/5 2031/6 2031/7 2034/5 2043/22 2043/22 2056/14 2056/15 2065/7 2067/5 2069/11 2089/14 2094/10 2095/20 2095/21 2121/5 2121/25 2127/18 2130/14 argue [8] 1998/10 2048/21 2049/15 2049/18 2098/20 2099/3 2108/10 2117/1 argued [2] 2099/25 2100/17 arguing [1] 2115/8 argument [10] 2000/12 2002/16 2092/15 2092/20 2092/23 2093/5 2100/24 2108/15 2109/24 2115/10 arguments [5] 2002/17 2002/24 2007/7 2089/20 2130/15 arithmetic [2] 2016/4 2031/8 arose [1] 2066/6 around [13] 1976/23 2034/19 2035/5 2035/6 2038/8 2041/8 2041/13 2041/18 2046/23 2047/14 2068/7 2094/14 2131/9 arrange [1] 2135/23 arrangement [2] 2037/2 2043/5 arranging [1] 2037/3 article [28] 1986/24 1987/1 1987/5 1987/10 1987/12 1990/3 1990/24 1991/1 1997/10 1997/11 1997/13 1998/1 1998/2 1998/8 2000/17 2000/22 2001/21 2004/6 2004/12 2005/22 2007/3 2013/1 2014/20 2099/20 2099/21 2100/9 2102/16 2116/3 articles [10] 1986/18 1997/14 1997/25 2005/16 2005/21 2006/2 2006/16 2007/5 2029/6 2135/4 articulating [1] 2021/25 articulation [1] 2033/10 as [207] aside [5] 2007/13 2064/23 2065/3 2098/3</p>	<p>2098/22 ask [11] 1970/1 1972/20 1972/24 1978/8 1978/22 1987/9 2006/19 2040/19 2042/5 2056/1 2072/22 2100/8 2102/15 2119/10 2127/22 asked [22] 1971/15 1975/13 2017/9 2031/23 2031/23 2031/25 2057/17 2057/20 2058/24 2063/9 2085/17 2100/6 2119/11 2119/12 2121/10 2121/10 2121/22 2122/3 2122/4 2122/7 2122/7 2130/23 asking [5] 1985/2 1985/6 2004/14 2021/10 2067/21 aspect [3] 1980/23 2064/9 2089/14 aspects [2] 2031/13 2073/3 assembly [5] 2037/9 2037/10 2038/4 2043/5 2049/23 assess [5] 1976/21 1977/4 2069/1 2069/7 2099/11 assessed [2] 2092/2 2092/6 Assessing [1] 2116/7 assessment [16] 1980/4 1998/15 2027/18 2032/14 2052/2 2052/3 2071/2 2071/3 2071/4 2083/9 2091/23 2092/4 2092/5 2102/5 2105/9 2115/8 assessments [4] 1974/9 1980/1 2003/22 2096/22 assignment [1] 2063/3 Assistant [1] 1963/15 assisting [1] 2072/5 associate [1] 2054/13 associated [1] 2061/12 Association [1] 1998/16 assume [2] 2042/1 2130/24 assumed [1] 2091/25 assuming [4] 2100/25 2112/15 2124/13 2124/13 assumption [1] 2089/6 Assumptions [1] 2124/7 assure [1] 1997/3 asymptote [1] 2101/14 athletes [1] 2031/19 Atkins [10] 2003/21 2004/20 2004/21 2073/14 2099/21 2099/25 2127/25 2128/9 2128/17 2133/21 Atlanta [1] 2028/7 attached [1] 2006/17 attack [1] 2107/21 attempt [1] 2006/1 attention [18] 2005/16 2005/17 2005/22 2027/15 2029/25 2036/6 2036/21 2037/14 2037/17 2037/24 2042/23 2043/8 2043/13 2044/14 2076/21 2078/11 2093/12 2117/22 attenuated [1] 2104/2 Attorney [2] 1963/14 1963/15 attorneys [4] 2005/19 2007/6 2013/8 2013/14 attribute [2] 2020/16 2024/7 attributed [2] 2021/4 2023/24 auditory [2] 2042/23 2044/14 authored [2] 1968/9 1968/12 authors [2] 1989/17 2004/5 authors' [1] 1989/19 automatic [1] 2056/6 availability [1] 2091/2 available [6] 1997/8 2004/6 2076/17 2076/22 2116/20 2134/21 average [55] 2002/7 2022/7 2025/11 2035/2 2035/3 2035/5 2039/19 2040/9 2040/9 2047/22 2050/24 2050/25 2050/25 2051/1 2051/1 2051/2 2053/14 2053/15 2053/21 2053/21 2054/6 2054/20 2054/22 2055/3 2055/3 2057/25 2058/1 2062/13 2062/13 2071/17 2071/18 2075/20 2075/23 2083/17 2086/5 2086/11 2086/12 2086/19 2086/21 2088/4 2092/16 2092/17 2095/10 2095/13</p>
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<p>A</p> <p>average... [11] 2095/15 2096/9 2096/14 2102/17 2111/8 2120/10 2120/11 2120/12 2120/14 2120/25 2121/16 averaged [1] 2096/9 averaging [1] 2095/4 avoid [1] 2134/24 aware [4] 2064/11 2087/25 2088/2 2135/15 away [7] 1981/9 1982/12 1982/25 2095/14 2099/11 2123/10 2129/5 awhile [1] 2006/9</p>	<p>1995/19 1995/20 1997/2 1997/8 2000/12 2004/6 2012/17 2014/16 2016/15 2017/6 2032/12 2032/15 2035/9 2035/23 2036/14 2041/6 2044/4 2044/5 2048/24 2049/17 2049/24 2050/8 2052/1 2057/12 2059/18 2059/20 2068/18 2068/22 2071/10 2072/2 2072/6 2072/8 2073/12 2077/8 2079/18 2081/16 2082/6 2102/2 2102/23 2106/2 2108/9 2109/20 2112/4 2112/9 2125/3 2126/3 2128/2 2129/24 2130/12 2130/17 2130/17 2130/23 2135/5 before [16] 1963/9 1971/10 1978/10 1979/3 2002/14 2015/7 2015/13 2020/15 2021/1 2025/15 2031/7 2051/20 2074/6 2088/9 2108/9 2133/9 began [4] 2041/8 2041/13 2042/4 2042/8 begin [2] 2053/11 2113/14 beginning [4] 2006/12 2018/3 2037/20 2065/15 begins [2] 2094/4 2107/11 behalf [1] 1965/10 behave [1] 2024/16 behavior [13] 2008/9 2023/6 2023/10 2025/6 2025/10 2025/13 2055/19 2069/22 2072/21 2091/24 2092/3 2092/5 2092/8 behavioral [7] 2012/14 2055/17 2065/21 2066/8 2066/14 2069/20 2112/6 behaviorally [1] 2093/11 behaviors [3] 2023/7 2024/2 2063/14 behind [3] 2021/21 2040/15 2120/5 being [17] 1977/3 1978/4 1987/1 1987/2 1987/21 1991/2 2010/6 2033/21 2039/8 2039/14 2057/4 2062/19 2079/10 2104/5 2122/7 2132/6 2132/8 beings [1] 2089/9 believe [30] 1967/4 1975/4 1977/21 1983/20 1987/5 1990/22 1990/23 1993/7 1996/21 1998/9 2003/19 2007/16 2014/8 2014/17 2017/14 2019/7 2024/11 2047/14 2050/7 2050/15 2057/25 2057/25 2060/1 2068/20 2073/6 2078/14 2101/6 2101/7 2103/10 2111/10 believed [3] 1991/18 2020/4 2028/25 below [13] 1990/20 2002/2 2034/14 2035/5 2037/16 2053/5 2053/6 2055/3 2083/15 2085/13 2085/21 2086/1 2129/4 benefit [1] 2008/20 benefits [1] 1968/7 benevolence [1] 1970/11 benign [1] 2081/20 best [37] 1977/1 1977/2 1977/5 1986/22 1991/19 1992/4 1992/16 1994/8 1995/19 1996/3 1996/7 2003/2 2011/8 2011/18 2015/17 2015/25 2016/1 2016/5 2016/6 2016/22 2055/10 2063/5 2063/11 2069/7 2074/22 2075/1 2082/5 2091/25 2092/6 2096/16 2096/18 2098/15 2098/21 2112/3 2112/9 2112/10 2112/15 better [21] 2007/6 2011/1 2011/25 2039/23 2044/13 2045/1 2049/16 2054/3 2056/3 2064/24 2077/16 2084/14 2088/9 2088/13 2089/11 2097/4 2097/6 2097/8 2097/11 2097/25 2120/22 between [33] 1968/23 1970/20 1972/5 1973/21 1978/1 1978/15 1978/24 2006/7 2008/6 2015/24 2035/11 2038/23 2039/3 2044/12 2048/15 2057/6 2066/13 2075/6 2081/20 2092/4 2095/4 2095/8 2095/23 2100/1 2100/13 2110/7 2110/13 2110/17 2120/1 2121/12 2124/14 2128/19 2133/3 beyond [2] 1972/24 2108/12 bias [2] 1993/13 1993/16 big [3] 2091/4 2091/6 2117/8 bigger [1] 2111/15</p>	<p>binder [5] 2026/22 2085/1 2105/2 2117/5 2136/7 binders [2] 1987/6 2135/15 birth [1] 2010/7 bit [14] 1988/6 1989/10 2018/6 2047/5 2047/8 2047/11 2050/3 2051/5 2070/23 2077/12 2080/6 2111/6 2119/2 2122/4 bits [3] 1986/23 1987/1 1987/6 black [3] 2025/16 2049/12 2111/16 block [7] 2037/7 2037/8 2038/10 2043/4 2049/5 2050/1 2099/4 blue [5] 1984/3 2046/18 2047/7 2085/1 2102/8 board [7] 2001/15 2001/17 2012/5 2027/23 2027/25 2028/1 2028/2 bonus [1] 1990/13 book [29] 1968/6 1968/9 1969/10 1983/15 1984/3 1986/25 1997/7 2003/2 2003/5 2003/7 2003/8 2017/2 2020/5 2020/9 2029/7 2029/9 2043/19 2070/3 2070/6 2076/13 2077/15 2085/1 2089/7 2090/16 2102/8 2105/3 2105/4 2113/6 2134/22 booklet [2] 2049/12 2049/13 books [6] 2025/4 2077/7 2134/10 2134/15 2134/20 2134/21 borderline [8] 1970/12 2022/7 2025/11 2051/3 2056/17 2060/12 2062/13 2071/15 born [1] 2022/18 borne [2] 1990/23 2002/13 Boston [5] 2028/9 2028/14 2059/2 2059/14 2059/22 both [17] 1966/21 1997/22 1999/18 2002/24 2029/6 2029/12 2031/13 2034/8 2034/22 2047/20 2065/18 2077/18 2079/22 2084/17 2092/7 2115/7 2115/16 bottom [6] 1971/23 2048/7 2093/10 2094/5 2105/24 2106/17 BRADY [3] 1964/1 1964/3 1965/14 brain [16] 1972/17 1973/13 1974/5 1990/19 2018/17 2028/12 2055/16 2055/16 2060/4 2079/13 2079/21 2079/23 2079/24 2081/13 2081/14 2081/15 brain-based [1] 2079/13 Brannan [1] 1963/23 break [2] 2025/24 2026/3 brevity [1] 2127/7 brief [3] 2032/13 2093/25 2127/3 briefing [6] 2127/2 2127/2 2127/4 2127/12 2127/16 2133/19 briefly [3] 1966/1 2015/3 2028/3 briefs [1] 2127/7 bright [1] 2025/8 bring [5] 1970/5 1971/8 2044/21 2070/3 2103/17 bringing [1] 1969/22 broad [4] 2018/13 2018/20 2028/18 2098/13 broader [5] 1970/10 2010/11 2019/12 2069/2 2076/11 broadly [1] 2059/12 Brooklyn [3] 1963/5 1963/16 1964/13 Brookwood [2] 2021/21 2077/9 brought [2] 2005/16 2005/21 Buchsbbaum [1] 2082/9 Buchsbbaum's [1] 2080/14 bulk [3] 1989/11 2007/22 2027/21 bullet [1] 2094/6 bumped [1] 2109/20 bumper [1] 2068/21 bunch [1] 2090/9 BURT [19] 1963/22 1963/24 1965/13 1965/17 1965/23 1971/22 1978/12 1987/11 1995/8 1996/13 2005/14 2006/4 2006/7 2015/15 2016/25 2019/1 2062/25 2136/4 2136/12</p>
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<p>B</p> <p>busv [1] 2130/23</p> <p>C</p>	<p>2127/14 2131/25 2132/3 2132/8 2132/9 2133/8</p> <p>cases [16] 1993/10 1993/10 1993/17 1993/24 1994/2 2001/18 2002/15 2008/18 2009/14 2038/14 2041/11 2085/11 2085/15 2088/20 2099/25 2131/18</p> <p>cataloging [1] 2062/16</p> <p>categories [2] 2064/11 2074/7</p> <p>categorization [1] 2066/24</p> <p>category [3] 2022/24 2058/20 2058/21</p> <p>causation [4] 2023/13 2023/23 2064/24 2065/4</p> <p>cause [7] 1986/2 2020/6 2020/10 2021/4 2070/18 2077/23 2082/3</p> <p>caused [4] 2023/22 2023/24 2024/1 2069/23</p> <p>causes [4] 2018/15 2020/15 2062/19 2081/12</p> <p>caveat [1] 1975/4</p> <p>CDL [1] 2054/10</p> <p>Celia [1] 1965/10</p> <p>Center [2] 2028/10 2028/13</p> <p>central [1] 2001/4</p> <p>century [2] 2041/9 2041/20</p> <p>certain [6] 1999/24 2012/2 2021/13 2024/16 2086/1 2089/10</p> <p>certainly [10] 1987/8 2004/10 2018/3 2018/10 2051/25 2062/15 2066/5 2077/6 2088/24 2109/25</p> <p>certainty [1] 2032/20</p> <p>certified [3] 2027/23 2027/25 2028/1</p> <p>chair [1] 1968/12</p> <p>challenge [1] 2136/14</p> <p>challenged [2] 2039/25 2095/14</p> <p>challenges [1] 2095/11</p> <p>challenging [1] 2135/22</p> <p>chance [2] 1974/5 2131/6</p> <p>change [9] 1972/16 1973/15 1974/7 1986/3 2001/10 2016/9 2017/21 2049/21 2081/22</p> <p>changed [16] 1973/1 1973/5 1973/5 1973/6 1973/8 1977/14 1989/4 2021/14 2049/11 2050/1 2050/3 2050/7 2103/19 2104/2 2109/24 2111/6</p> <p>changes [11] 1988/12 1988/13 1990/11 1990/12 1991/13 2038/16 2049/22 2102/1 2102/2 2110/24 2121/6</p> <p>changing [1] 2053/9</p> <p>chaotic [1] 2059/17</p> <p>Chapter [1] 2116/14</p> <p>chapters [1] 2029/7</p> <p>characteristic [1] 2116/20</p> <p>characterization [2] 1988/21 2025/12</p> <p>characterize [1] 2093/4</p> <p>characterized [2] 2052/15 2055/12</p> <p>Charisse [1] 1964/12</p> <p>chart [12] 2045/14 2048/3 2048/3 2051/6 2051/8 2051/24 2051/25 2052/5 2052/23 2052/25 2053/1 2062/8</p> <p>charts [4] 2045/19 2047/25 2052/1 2093/18</p> <p>checked [1] 1966/7</p> <p>chided [1] 2099/17</p> <p>child [8] 1973/3 1973/17 1974/4 2024/3 2024/9 2024/10 2066/2 2081/9</p> <p>child's [2] 1972/12 1972/14</p> <p>childhood [1] 2074/6</p> <p>children [8] 1970/20 1971/6 1972/5 1973/21 1978/23 2010/25 2028/16 2102/18</p> <p>choice [3] 2024/12 2024/14 2058/3</p> <p>choices [2] 2038/6 2057/23</p> <p>choose [1] 2024/17</p> <p>chores [1] 2068/7</p> <p>chose [1] 2055/9</p> <p>circumscribed [2] 2064/6 2069/14</p> <p>citation [1] 1994/24</p> <p>cite [2] 1984/22 1998/20</p> <p>cited [4] 1985/13 1986/9 1990/3 1998/17</p>	<p>cites [3] 1983/14 1983/22 1984/2</p> <p>citing [1] 1967/23 1983/23 1983/25 1988/16</p> <p>clarification [1] 2034/6</p> <p>clarify [4] 1978/13 1989/3 2020/3 2074/5</p> <p>clarifying [1] 2073/17</p> <p>class [2] 2076/21 2082/24</p> <p>classes [1] 2092/22</p> <p>classic [1] 2052/3</p> <p>classifications [1] 2069/2</p> <p>classify [1] 2041/15</p> <p>clauses [1] 1976/25</p> <p>clear [17] 1996/6 2020/23 2022/23 2023/6 2031/3 2045/15 2047/22 2071/13 2071/16 2089/24 2090/1 2090/5 2093/3 2096/3 2122/11 2127/11 2127/19</p> <p>clearer [1] 2044/23</p> <p>clearly [8] 2016/1 2016/7 2018/1 2019/16 2024/11 2033/8 2033/11 2035/19</p> <p>client [3] 1993/12 1993/21 2009/10</p> <p>clinical [15] 2004/16 2008/15 2014/10 2027/10 2028/1 2028/6 2028/9 2028/15 2028/20 2029/18 2029/23 2080/10 2080/13 2123/14 2128/15</p> <p>clinician [3] 2090/17 2090/23 2122/16</p> <p>clinicians [2] 2091/3 2102/17</p> <p>close [2] 2101/13 2127/10</p> <p>closely [3] 2037/13 2046/21 2050/4</p> <p>closer [2] 2022/7 2050/11</p> <p>cluster [8] 2031/5 2040/11 2042/5 2042/11 2054/8 2071/18 2086/20 2090/5</p> <p>clustered [3] 2051/19 2053/12 2062/17</p> <p>clustering [1] 2090/10</p> <p>clusters [6] 2042/15 2042/17 2043/2 2043/12 2043/18 2054/8</p> <p>clutter [1] 2134/20</p> <p>coding [4] 2120/24 2120/24 2120/25 2121/1</p> <p>coexist [1] 2089/8</p> <p>cognitive [12] 1972/2 1973/9 1973/9 2013/5 2018/19 2031/2 2043/22 2063/13 2070/2 2076/9 2079/6 2115/18</p> <p>Cohen [4] 1965/10 2062/1 2085/17 2136/11</p> <p>colleague [1] 2117/5</p> <p>colleagues [4] 2076/13 2086/6 2086/25 2099/13</p> <p>collected [1] 2064/8</p> <p>COLLEEN [3] 1964/1 1964/3 1965/14</p> <p>college [6] 2071/1 2071/5 2071/20 2071/22 2076/1 2125/10</p> <p>colleges [1] 2071/5</p> <p>color [3] 2056/21 2056/22 2111/15</p> <p>colored [1] 2049/13</p> <p>colors [2] 2047/4 2056/24</p> <p>column [8] 2105/24 2107/4 2116/5 2118/4 2118/5 2118/9 2123/18 2123/19</p> <p>combination [4] 1984/17 2059/20 2098/7 2108/1</p> <p>combine [2] 2008/12 2097/14</p> <p>combined [3] 1989/8 2033/20 2078/11</p> <p>come [10] 1971/15 2012/16 2031/17 2060/9 2072/10 2073/10 2077/20 2083/10 2095/8 2131/1</p> <p>comes [2] 2070/23 2087/6</p> <p>comfortable [1] 1967/23</p> <p>coming [3] 2041/14 2083/24 2108/24</p> <p>commensurate [1] 2085/10</p> <p>comment [1] 2115/24</p> <p>comments [1] 2042/20</p> <p>committee [1] 1968/12</p> <p>common [14] 1983/4 2031/18 2034/2 2039/5 2039/9 2054/2 2059/12 2069/19 2075/9 2086/17 2092/18 2094/18 2095/21 2125/5</p> <p>commonly [2] 1994/18 1995/11</p> <p>communicate [3] 2019/3 2019/6 2019/21</p> <p>communicating [1] 2021/9</p>
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<p>C</p> <p>communication [6] 2017/16 2019/9 2019/10 2067/7 2067/9 2067/11</p> <p>community [7] 1968/22 2067/20 2067/23 2071/1 2071/5 2071/5 2127/23</p> <p>company [1] 1967/10</p> <p>comparability [1] 1985/13</p> <p>compare [3] 1988/2 2009/11 2009/20</p> <p>compared [1] 1990/21</p> <p>comparing [1] 2076/7</p> <p>comparison [6] 2030/14 2035/5 2045/7 2045/14 2074/25 2120/15</p> <p>compensate [1] 2018/10</p> <p>competency [2] 2009/2 2009/4</p> <p>competency-related [1] 2009/2</p> <p>competent [1] 2009/8</p> <p>compiled [1] 2011/24</p> <p>complete [3] 1984/8 2004/2 2037/5</p> <p>completed [3] 2028/5 2028/8 2074/20</p> <p>completely [2] 1979/6 2013/21</p> <p>completely different [1] 2013/21</p> <p>completion [6] 2036/19 2038/2 2043/4 2049/10 2111/4 2111/7</p> <p>complex [5] 2075/19 2076/4 2089/9 2097/9 2125/15</p> <p>complexity [1] 2075/24</p> <p>complicated [3] 2016/18 2091/8 2101/3</p> <p>Complying [1] 1966/9</p> <p>component [4] 2016/15 2036/22 2037/5 2079/14</p> <p>components [1] 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2032/5 2034/22 2036/17 2045/7 2047/25 2049/17 2049/19 2058/19 2058/21 2058/25 2063/13 2065/12 2065/23 2065/24 2071/24 2074/2 2077/7 2077/8 2077/15 2077/23 2080/15 2080/15 2081/7 2082/9 2083/8 2092/2 2092/14 2092/20 2092/23 2093/5 2109/9 2109/12 2110/14 2110/19 2117/24 2119/13 2120/1 2135/24</p> <p>couldn't [2] 2076/25 2121/18</p> <p>Council [1] 1968/21</p> <p>Council's [2] 1968/6 1969/10</p> <p>counsel [1] 1987/8</p> <p>counseling [1] 2032/11</p> <p>counselor [1] 2125/9</p> <p>count [3] 1999/4 2021/5 2024/22</p> <p>counter [1] 1971/8</p> <p>country [2] 2029/15 2041/14</p> <p>couple [7] 1969/13 1976/19 2017/15 2058/13 2103/15 2117/13 2117/15</p> <p>course [13] 1971/1 1988/14 2005/15 2005/17 2005/19 2012/13 2028/20 2087/11 2102/25 2103/4 2111/20 2127/7 2130/15</p> <p>court [56] 1963/1 1963/10 1964/11 1965/1 1968/5 1969/4 1969/17 1970/24 1971/10 1995/5 2003/19 2004/1 2008/18 2008/19 2008/23 2013/22 2014/1 2014/2 2015/23 2015/23 2019/3 2020/17 2026/6 2026/22 2028/3 2035/12 2040/20 2045/16 2045/20 2048/4 2094/13 2122/5 2127/22 2128/4 2128/7 2128/15 2128/20 2129/2 2129/6 2129/11 2129/16 2129/17 2129/22 2129/24 2130/1 2130/3 2130/8 2133/20 2134/6 2134/6 2134/7 2134/12 2134/21 2136/8 2136/10 2136/15</p> <p>court's [2] 2127/15 2133/18</p> <p>courthouse [4] 1963/4 1978/3 2135/19 2135/24</p> <p>courtroom [3] 1965/8 2030/6 2035/10</p> <p>courts [1] 2000/12</p> <p>cover [1] 2019/19</p> <p>covered [1] 2032/15</p> <p>coverings [1] 2081/14</p> <p>CR [1] 1963/3</p> <p>creatures [1] 2055/14</p> <p>CRI [1] 1964/12</p> <p>cried [1] 2072/2</p> <p>crimes [1] 1974/24</p> <p>criminal [3] 2014/22 2025/6 2025/10</p> <p>criminality [1] 2023/10</p>
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[66] 2017/11 2017/15 2019/4 2019/10 2019/19 2020/4 2020/6 2020/9 2020/10 2020/14 2020/20 2020/25 2021/3 2021/6 2021/18 2022/11 2022/18 2022/23 2023/20 2023/22 2024/19 2025/14 2025/14 2030/21 2030/24 2046/24 2063/6 2063/9 2063/10 2063/12 2063/12 2063/13 2064/6 2064/6 2064/17 2064/25 2065/1 2065/4 2065/5 2065/6 2065/8 2065/11 2065/13 2065/15 2065/19 2065/21 2066/8 2066/12 2066/14 2066/15 2067/14 2067/19 2069/2 2069/6 2069/7 2069/11 2069/18 2075/10 2075/15 2075/16 2088/8 2088/9 2090/13 2090/14 2100/2 2100/14 define [2] 1975/13 2035/18 defined [2] 2016/23 2069/2 definitely [5] 2046/24 2060/11 2067/5 2074/7 2132/19 definition [11] 1969/25 1970/8 1970/10 2022/8 2030/8 2034/11 2035/19 2064/12 2128/5 2128/6 2128/12 definitions [5] 2064/15 2119/2 2128/16 2128/16 2128/19 definitive [1] 2074/15 definitively [5] 2076/13 2076/20 2077/11 2077/22 2081/25 degree [8] 2018/5 2028/5 2032/20 2033/11 2043/13 2079/20 2101/22 2103/20 delayed [1] 2022/2 demands [1] 2039/17 demographics [2] 2059/23 2060/6 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[2] 2115/21 2128/18</p> <p>different [55] 1969/25 1970/9 1971/7 1976/25 1980/2 1981/12 1982/11 1985/13 1985/14 1985/17 1986/5 1988/12 1988/18 1989/7 1999/10 2000/1 2013/21 2021/2 2030/18 2039/21 2041/17 2043/21 2047/11 2049/5 2049/14 2051/19 2052/12 2052/21 2053/17 2057/6 2058/21 2069/23 2069/24 2083/21 2083/23 2083/25 2084/12 2090/8 2094/10 2095/1 2095/5 2096/8 2098/18 2103/1 2104/3 2108/17 2110/23 2111/13 2111/25 2115/14 2121/8 2121/25 2122/20 2131/10 2131/15</p> <p>differently [1] 1989/5</p> <p>differing [1] 2002/20</p> <p>difficult [7] 2000/10 2045/19 2049/18 2067/23 2071/21 2074/15 2087/7</p> <p>difficulties [8] 2013/5 2017/23 2019/8 2019/14 2032/4 2084/7 2084/8 2085/10</p> <p>difficulty [14] 2033/2 2033/9 2039/13 2057/15 2058/24 2059/5 2060/25 2068/1 2075/17 2076/12 2077/11 2086/4 2086/21 2125/15</p> <p>digit [4] 2037/14 2043/7 2120/7 2120/18</p> <p>digits [3] 2036/7 2037/15 2056/24</p> <p>diminish [1] 1997/1</p> <p>direct [4] 2018/16 2027/3 2063/4 2091/11</p> <p>directed [2] 2055/19 2068/8</p> <p>direction [4] 2013/24 2028/10 2068/3 2068/5</p> <p>directly [2] 1970/24 2022/4</p> <p>disabilities [41] 1998/17 2013/9 2013/15 2027/15 2027/16 2027/19 2028/18 2028/21 2029/4 2029/8 2029/10 2029/19 2030/7 2030/25 2031/10 2031/12 2039/6 2043/15 2043/24 2044/19 2044/21 2047/20 2048/2 2054/3 2054/24 2059/4 2059/13 2061/3 2069/10 2070/7 2070/15 2071/11 2072/8 2075/17 2079/7 2081/17 2083/19 2095/22 2113/4 2113/10 2113/22</p> <p>disability [99] 1968/17 1972/5 2013/5 2018/2 2019/8 2019/13 2020/11 2020/16 2021/5 2022/1 2023/15 2023/25 2024/22 2028/16 2028/25 2029/1 2029/13 2029/25 2030/9 2030/10 2030/14 2030/16 2030/18 2030/18 2030/20 2030/23 2031/11 2032/2 2032/3 2032/18 2032/24 2034/9 2034/9 2034/12 2034/13 2034/14 2034/16 2034/18 2034/23 2039/12 2045/1 2054/5 2055/5 2055/7 2060/21 2062/14 2062/20 2063/5 2063/19 2064/5 2064/10 2069/8 2069/9 2069/15 2069/17 2070/17 2070/21 2071/14 2071/20 2072/5 2072/7 2072/9 2072/19 2074/14 2076/16 2079/13 2082/12 2083/22 2083/22 2084/11 2084/18 2086/5 2086/15 2086/15 2086/22 2087/3 2087/21 2088/13 2088/14 2088/20 2088/23 2088/22 2089/2 2089/22 2090/4 2090/17 2090/19 2090/23 2092/21 2093/4 2096/24 2097/21 2098/25 2113/16 2114/22 2115/9 2115/11 2119/25 2128/2</p> <p>disabled [8] 2041/10 2041/16 2051/4 2053/5 2056/18 2088/10 2114/23 2116/23</p> <p>disagree [17] 1975/8 1975/12 1978/16 1978/18 1979/7 1986/14 1987/7 1998/22 1998/23 1998/23 2001/13 2004/3 2020/11 2089/6 2089/16 2110/20 2112/2</p> <p>disagreed [1] 2020/5</p> <p>disagreeing [2] 2081/21 2111/21</p> <p>disagreement [3] 2080/17 2091/9 2091/17</p> <p>disappear [1] 2106/25</p> <p>discarded [1] 2041/7</p> <p>discern [2] 2024/19 2083/14</p> <p>discerned [1] 2063/14</p>	<p>discrepancy [1] 2043/1</p> <p>discrepancies [4] 2113/3 2019/29/11/4/25 2118/25</p> <p>discrepancy [17] 2009/21 2034/11 2034/15 2034/19 2035/10 2039/3 2044/13 2087/23 2093/16 2114/21 2117/7 2118/20 2120/1 2121/11 2121/12 2121/13 2121/14</p> <p>discrepant [1] 2086/10</p> <p>discrete [1] 2010/24</p> <p>discuss [2] 2011/19 2040/18</p> <p>discussed [2] 1966/2 2045/11</p> <p>discussing [6] 2008/5 2013/19 2013/22 2015/15 2113/20 2132/4</p> <p>discussion [5] 2035/10 2112/24 2128/1 2133/11 2133/19</p> <p>disorder [29] 2019/17 2023/8 2023/16 2023/18 2023/23 2023/24 2024/1 2024/2 2024/12 2027/16 2030/1 2030/10 2032/2 2033/1 2061/10 2069/14 2078/9 2078/11 2078/16 2078/18 2080/5 2081/13 2082/25 2083/21 2084/2 2084/10 2084/13 2085/15 2085/16</p> <p>disorders [17] 2043/24 2057/1 2059/10 2059/11 2065/9 2070/2 2073/22 2073/23 2078/1 2078/25 2079/8 2079/14 2079/17 2082/10 2083/25 2085/6 2113/9</p> <p>disparity [2] 2100/1 2100/13</p> <p>dispersion [1] 2001/5</p> <p>display [1] 2019/16</p> <p>displayed [1] 2000/2</p> <p>dispute [4] 1983/7 1999/17 2003/3 2003/5</p> <p>disputes [2] 1968/22 2003/6</p> <p>disregard [3] 2002/9 2020/10 2025/7</p> <p>dissipates [2] 2106/10 2106/20</p> <p>distance [1] 1977/23</p> <p>distinction [2] 2092/4 2122/21</p> <p>distinguish [1] 2114/22</p> <p>distorted [1] 2130/10</p> <p>distracted [1] 2033/21</p> <p>distractibility [2] 2042/22 2044/18</p> <p>DISTRICT [6] 1963/1 1963/1 1963/10 1995/5 1995/6 1995/6</p> <p>do [174] 1966/4 1967/7 1967/8 1968/1 1968/14 1968/24 1970/25 1972/8 1973/8 1973/12 1973/13 1973/24 1974/15 1975/8 1976/11 1976/23 1978/23 1979/24 1980/17 1983/17 1984/5 1984/5 1984/19 1985/9 1985/25 1986/13 1987/8 1987/14 1987/19 1987/21 1987/22 1989/13 1990/2 1990/8 1990/13 1990/18 1990/24 1991/6 1991/13 1996/4 1998/22 1999/12 2002/11 2003/3 2003/6 2004/3 2010/21 2011/4 2011/20 2012/13 2013/10 2013/17 2014/8 2015/18 2017/3 2017/7 2017/11 2017/13 2017/17 2017/18 2027/9 2027/9 2027/22 2028/17 2028/19 2028/20 2029/12 2029/14 2029/15 2029/16 2031/6 2031/15 2031/23 2032/8 2033/4 2035/6 2035/25 2036/1 2036/9 2041/3 2042/5 2042/6 2042/23 2044/3 2045/4 2045/4 2045/7 2049/14 2051/8 2051/14 2051/20 2053/6 2054/3 2054/6 2055/14 2055/14 2055/15 2056/4 2056/20 2058/18 2059/22 2059/22 2059/24 2060/7 2060/8 2064/2 2065/24 2069/4 2070/12 2073/18 2073/20 2080/15 2080/17 2081/24 2082/17 2082/18 2084/9 2087/11 2087/11 2087/13 2087/13 2087/14 2087/14 2089/1 2089/11 2091/3 2091/17 2092/2 2092/2 2093/13 2093/17 2093/21 2093/22 2096/1 2097/8 2097/9 2097/11 2097/18 2098/10 2100/4 2100/11 2100/11 2101/13 2102/12 2105/5 2107/2 2107/19 2108/3 2110/3 2112/18 2116/10 2116/21 2117/13 2119/6 2119/13 2119/18 2120/18 2122/12 2122/13 2123/24 2125/11</p>	<p>2127/8 2129/13 2131/6 2132/13 2132/13 2131/13 2132/13 2133/8 2134/1 2134/19 2135/21 2135/24 2136/1</p> <p>Doctor [6] 1965/24 1966/1 1966/20 2015/6 2019/23 2063/3</p> <p>doctoral [1] 2028/11</p> <p>document [2] 1971/15 1976/14</p> <p>documentary [1] 2127/13</p> <p>documented [4] 2033/8 2033/13 2033/25 2047/1</p> <p>documents [1] 2134/18</p> <p>does [32] 1971/9 1975/11 1981/24 1982/3 1983/4 1983/12 1988/25 1999/9 1999/17 2017/21 2020/24 2036/21 2048/3 2057/4 2057/17 2087/12 2087/22 2092/1 2097/6 2098/2 2101/3 2103/20 2112/19 2113/5 2115/2 2119/6 2122/21 2129/6 2129/6 2129/8 2129/9 2135/21</p> <p>doesn't [21] 1970/2 1975/15 1983/13 1985/4 1985/4 1999/8 2018/24 2020/13 2024/15 2024/21 2068/12 2071/8 2074/22 2080/22 2088/1 2089/22 2098/24 2100/17 2115/1 2117/2 2117/6</p> <p>doing [22] 2008/8 2008/12 2024/18 2033/23 2041/17 2042/1 2054/17 2055/25 2056/2 2056/2 2056/3 2056/10 2058/24 2064/1 2068/14 2072/20 2074/19 2077/5 2079/24 2108/7 2120/12 2120/13</p> <p>domain [11] 2022/19 2042/17 2047/23 2057/10 2076/8 2090/6 2092/17 2092/18 2092/19 2095/13 2097/14</p> <p>domains [8] 2017/1 2017/20 2045/21 2048/16 2051/19 2066/21 2120/1 2120/4</p> <p>don't [102] 1968/11 1969/25 1970/12 1971/2 1975/12 1975/16 1976/8 1979/12 1980/9 1980/18 1981/21 1982/6 1983/8 1983/9 1983/20 1983/23 1983/24 1984/20 1986/14 1987/3 1987/9 1987/18 1988/21 1990/22 1991/4 1991/22 1993/17 1995/15 1995/17 1996/20 1996/20 1996/21 1996/23 1998/8 1998/23 1999/19 2000/5 2001/12 2004/8 2006/13 2006/19 2013/19 2013/23 2014/4 2014/17 2014/18 2016/3 2019/10 2019/11 2019/21 2019/21 2020/8 2021/5 2021/13 2021/15 2022/4 2023/9 2024/6 2024/13 2024/16 2025/2 2025/2 2025/12 2029/20 2031/16 2037/5 2038/7 2039/17 2041/16 2050/14 2052/19 2055/14 2056/7 2057/19 2060/2 2068/2 2073/7 2073/12 2076/14 2077/19 2081/2 2085/21 2093/3 2093/10 2096/17 2100/16 2107/10 2108/23 2109/18 2119/20 2122/7 2122/16 2126/11 2131/1 2131/1 2132/5 2134/10 2134/14 2134/16 2134/19 2134/19 2135/20</p> <p>done [20] 1992/8 2003/8 2032/12 2035/7 2040/21 2050/10 2052/24 2056/4 2071/24 2072/19 2077/1 2080/2 2081/16 2110/24 2112/17 2125/3 2132/23 2136/1 2136/13 2136/14</p> <p>doubt [1] 1999/19</p> <p>down [20] 1976/7 1985/5 1994/21 2000/5 2000/6 2010/14 2010/23 2022/18 2024/24 2025/11 2025/22 2044/21 2053/17 2077/14 2118/1 2118/11 2118/12 2120/14 2122/15 2126/8</p> <p>downward [1] 2053/12</p> <p>Dr [1] 1965/6</p> <p>Dr. [78] 1981/18 1982/18 1983/12 1985/12 1986/8 1986/19 1986/22 1987/2 1987/6 1987/12 1990/3 1991/23 1992/11 1992/15 1992/18 1994/6 1995/16 1995/21 1996/4 1998/1 2015/8 2015/11 2015/12 2015/17 2026/11 2027/5 2027/23 2028/10 2028/15 2030/6 2031/23 2032/15 2032/16 2034/8</p>
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<p>D</p> <p>Dr.... [44] 2035/8 2050/17 2050/19 2051/8 2051/10 2051/15 2052/10 2053/4 2055/7 2056/12 2058/23 2063/24 2064/1 2064/8 2075/2 2075/5 2075/13 2075/20 2076/6 2080/14 2082/9 2082/16 2082/17 2088/22 2090/8 2095/19 2101/6 2101/21 2102/7 2102/15 2103/18 2105/3 2108/11 2111/22 2112/15 2115/6 2115/10 2117/22 2119/7 2125/21 2125/22 2125/24 2126/5 2129/20</p> <p>Dr. Buchsbaum [1] 2082/9</p> <p>Dr. Buchsbaum's [1] 2080/14</p> <p>Dr. Denney [5] 2032/15 2035/8 2063/24 2064/1 2064/8</p> <p>Dr. Denney's [4] 2032/16 2075/2 2075/13 2075/20</p> <p>Dr. Drob [1] 2015/17</p> <p>Dr. Drobb [4] 1992/11 1992/18 1994/6 1996/4</p> <p>Dr. Drobb's [4] 1991/23 1992/15 1995/16 1995/21</p> <p>Dr. Edith [1] 2028/10</p> <p>Dr. Fletcher's [1] 1998/1</p> <p>Dr. James [5] 2050/19 2058/23 2088/22 2090/8 2108/11</p> <p>Dr. James's [8] 2051/8 2051/15 2052/10 2053/4 2055/7 2056/12 2075/5 2076/6</p> <p>Dr. Kaufman [16] 1981/18 1982/18 1983/12 2095/19 2101/6 2101/21 2102/15 2103/18 2111/22 2112/15 2115/6 2119/7 2125/21 2125/22 2125/24 2126/5</p> <p>Dr. Kaufman's [3] 2102/7 2105/3 2115/10</p> <p>Dr. Mapou [9] 2027/5 2027/23 2028/15 2030/6 2031/23 2034/8 2050/17 2051/10 2117/22</p> <p>Dr. Nagler [1] 2129/20</p> <p>Dr. Robert [1] 2026/11</p> <p>Dr. Shapiro [11] 1985/12 1986/8 1986/19 1986/22 1987/2 1990/3 2015/8 2015/11 2015/12 2082/16 2082/17</p> <p>Dr. Shapiro's [1] 1987/6</p> <p>Dr. Vance [1] 1987/12</p> <p>draw [7] 1970/25 1979/17 2006/1 2012/18 2095/5 2095/24 2097/9</p> <p>drawing [2] 2037/8 2076/12</p> <p>driving [2] 2056/7 2056/8</p> <p>Drob [1] 2015/17</p> <p>Drobb [4] 1992/11 1992/18 1994/6 1996/4</p> <p>Drobb's [4] 1991/23 1992/15 1995/16 1995/21</p> <p>drop [3] 1994/21 2048/10 2125/10</p> <p>dropped [2] 2111/9 2121/5</p> <p>dropping [1] 2120/5</p> <p>drug [1] 2101/11</p> <p>DSM [14] 1969/17 2017/6 2022/24 2034/10 2064/15 2067/7 2084/1 2084/3 2084/19 2084/25 2085/3 2085/24 2128/20 2129/5</p> <p>DSM-IV [1] 2034/10</p> <p>DSM-IV-TR [3] 2064/15 2128/20 2129/5</p> <p>dual [1] 2086/2</p> <p>due [8] 2018/14 2048/21 2048/24 2049/17 2112/6 2127/3 2127/4 2127/5</p> <p>Duke [1] 1983/14</p> <p>duly [2] 1965/4 2026/15</p> <p>during [9] 1972/1 1986/23 1992/9 2005/15 2015/17 2021/1 2067/17 2103/4 2107/19</p> <p>dyslexia [16] 2032/25 2033/1 2033/6 2057/2 2061/9 2074/24 2075/9 2076/10 2077/12 2077/15 2077/19 2077/21 2078/7 2079/1 2079/5 2079/19</p>	<p>e-mails [3] 2006/4 2006/17 2077/9 2077/10 2040/23 2094/10 2176 2135/6</p> <p>earlier [19] 1974/6 1991/2 1991/14 2018/8 2021/12 2023/5 2040/24 2042/19 2049/24 2085/17 2088/7 2091/1 2093/18 2101/24 2108/16 2110/23 2112/13 2124/7 2124/10</p> <p>earliest [1] 2018/3</p> <p>early [18] 1968/1 1968/3 1976/6 1980/13 1980/15 2001/21 2019/14 2020/8 2021/6 2024/6 2025/24 2033/8 2033/13 2034/1 2041/3 2076/18 2084/13 2098/25</p> <p>easier [1] 2053/11</p> <p>easily [2] 2049/13 2134/25</p> <p>East [3] 1963/4 1963/15 1964/12</p> <p>EASTERN [2] 1963/1 1995/6</p> <p>ECF [6] 2134/7 2134/11 2134/11 2134/15 2134/25 2135/3</p> <p>Ed [1] 1976/12</p> <p>Edith [1] 2028/10</p> <p>edition [3] 1998/15 2116/7 2116/14</p> <p>editions [1] 1996/15</p> <p>educate [1] 2005/19</p> <p>education [6] 1986/11 2057/13 2060/5 2076/18 2076/22 2091/2</p> <p>educational [6] 1996/20 1996/24 2028/3 2032/10 2059/18 2060/14</p> <p>effect [43] 1980/10 1980/22 1981/7 1982/16 1983/13 1985/11 1985/12 1988/15 1988/16 1996/8 1996/16 1998/2 1998/25 1999/17 1999/22 2000/9 2000/22 2001/2 2001/13 2002/6 2002/9 2002/25 2003/20 2004/17 2101/8 2101/11 2101/15 2101/22 2102/17 2103/21 2105/6 2106/13 2106/20 2106/23 2109/9 2110/6 2111/20 2119/11 2121/18 2128/10 2129/23 2130/5 2131/24</p> <p>effect may [1] 2106/13</p> <p>effective [1] 2099/4</p> <p>effectively [3] 2056/1 2058/9 2125/11</p> <p>effects [45] 1980/5 1980/10 1980/20 1981/9 1981/25 1982/12 1982/14 1983/2 1984/10 2002/10 2048/22 2048/24 2049/18 2049/19 2050/14 2081/5 2101/4 2101/12 2102/9 2103/18 2105/10 2105/13 2105/15 2109/2 2109/20 2110/9 2110/11 2110/15 2110/19 2111/22 2112/1 2112/6 2119/13 2119/15 2119/19 2120/2 2120/20 2121/3 2121/10 2124/16 2124/24 2125/14 2129/25 2130/10 2130/11</p> <p>effort [15] 1992/16 1993/16 1994/9 1995/19 1996/3 1996/7 2016/2 2016/5 2016/7 2016/8 2016/9 2016/15 2016/18 2016/20 2111/10</p> <p>efforts [3] 1991/19 2015/17 2015/25</p> <p>eight [12] 1978/1 1981/4 1983/5 1986/10 1987/15 1987/18 2040/3 2101/5 2102/19 2107/15 2118/11 2118/12</p> <p>eight points [1] 2102/19</p> <p>eight-point [2] 1986/10 1987/15</p> <p>Eighth [2] 2128/13 2129/19</p> <p>Eighth Amendment [1] 2128/13</p> <p>either [11] 1967/13 1967/23 1970/2 1992/23 2037/21 2041/11 2056/24 2057/25 2085/24 2095/25 2107/19</p> <p>elderly [3] 2106/10 2106/21 2107/1</p> <p>electronic [1] 2134/20</p> <p>elevated [2] 2109/5 2109/6</p> <p>elevating [2] 1980/11 1980/23</p> <p>eliminate [2] 2101/12 2119/21</p> <p>eliminated [1] 1990/15</p> <p>Elmo [2] 2045/22 2051/9</p> <p>else [18] 1977/3 2019/24 2032/8 2053/9 2058/25 2081/6 2085/25 2096/4 2096/7 2096/20 2125/18 2126/10 2126/23 2132/21 2133/15 2135/3 2135/12 2136/3</p>	<p>else's [1] 1995/16</p> <p>elsewhere [1] 2015/1</p> <p>Emory [1] 2028/6</p> <p>emotion [1] 2066/3</p> <p>emotion -- there [1] 2066/3</p> <p>emotional [2] 2065/21 2066/8</p> <p>emphasis [3] 1990/8 2038/19 2102/24</p> <p>emphasize [6] 2039/11 2039/11 2041/22 2059/16 2099/18 2127/10</p> <p>emphasized [1] 2055/8</p> <p>emphasizes [1] 2124/9</p> <p>employed [1] 2027/7</p> <p>encoding [1] 2061/11</p> <p>encompasses [1] 2088/18</p> <p>end [7] 1967/25 2038/13 2053/10 2086/7 2108/18 2129/7 2129/9</p> <p>ended [2] 2041/5 2041/23</p> <p>ends [1] 1966/21</p> <p>enforcement [2] 2013/7 2013/14</p> <p>engage [2] 2014/4 2016/14</p> <p>engaged [2] 2016/13 2066/1</p> <p>engagement [1] 2111/10</p> <p>English [2] 2041/14 2041/16</p> <p>enough [6] 2016/23 2025/6 2068/23 2082/13 2110/14 2110/18</p> <p>enters [1] 1965/8</p> <p>entire [3] 2012/9 2048/24 2065/10</p> <p>entirely [5] 1978/5 2049/8 2049/19 2052/17 2124/17</p> <p>environment [10] 2024/4 2024/8 2059/16 2059/17 2059/18 2065/24 2066/4 2066/10 2068/10 2093/9</p> <p>equal [3] 1977/3 2008/13 2118/21</p> <p>equally [4] 2002/18 2002/19 2081/19 2082/9</p> <p>equates [1] 2011/2</p> <p>equivalence [1] 2052/6</p> <p>equivalent [3] 2039/1 2052/13 2052/16</p> <p>error [21] 1977/19 1977/22 1981/4 1981/7 1981/9 1981/16 1981/19 1982/19 1983/19 1983/23 1983/25 1984/1 1984/11 1985/8 2094/18 2105/5 2105/8 2105/14 2105/16 2105/17 2105/18</p> <p>especially [4] 2006/11 2102/22 2115/17 2133/18</p> <p>ESQ [4] 1963/14 1963/21 1963/24 1964/3</p> <p>essay [1] 2054/17</p> <p>essence [3] 1994/21 2039/21 2042/9</p> <p>essentially [2] 2111/17 2128/8</p> <p>estimated [2] 2044/7 2044/10</p> <p>evaluate [3] 2064/9 2067/24 2090/25</p> <p>evaluated [2] 2067/16 2078/4</p> <p>evaluating [3] 2005/23 2014/21 2092/3</p> <p>evaluation [16] 1980/2 2012/13 2015/17 2027/14 2029/8 2048/15 2056/15 2074/19 2075/3 2075/5 2075/13 2075/21 2076/7 2111/9 2112/4 2115/17</p> <p>evaluations [6] 1976/11 2001/23 2032/11 2094/18 2112/5 2115/12</p> <p>even [39] 1973/15 1982/23 1983/5 1986/24 1995/21 1999/25 2000/2 2002/6 2004/7 2004/8 2006/3 2012/11 2016/19 2018/20 2034/19 2035/3 2038/1 2038/19 2039/6 2039/15 2050/25 2051/2 2057/25 2077/4 2077/16 2078/21 2083/15 2084/8 2087/9 2088/22 2101/20 2103/11 2106/9 2106/19 2107/1 2107/17 2110/11 2119/9 2128/1</p> <p>events [2] 1974/7 1977/13</p> <p>eventually [1] 2024/9</p> <p>ever [1] 2028/24</p> <p>every [4] 1993/19 2053/17 2053/18 2125/16</p> <p>everybody [3] 1999/18 2098/15 2132/22</p> <p>everyday [1] 2056/5</p> <p>everything [4] 2003/7 2071/24 2135/3 2135/5</p>
<p>E</p> <p>e-mail [2] 2006/7 2006/10</p>		

<p>E</p> <p>evidence [48] 1986/20 1986/21 1986/21 1986/25 1987/5 1996/3 1996/3 1996/6 1996/6 1998/1 2000/18 2004/12 2005/2 2005/11 2005/12 2014/14 2014/25 2015/1 2017/15 2017/20 2035/1 2040/14 2046/8 2046/11 2051/6 2051/9 2051/23 2062/3 2066/3 2067/11 2067/14 2067/19 2068/4 2072/7 2090/3 2099/20 2102/8 2102/16 2119/18 2119/20 2126/18 2126/20 2127/14 2134/3 2134/4 2135/5 2137/9 2137/13</p> <p>ex [1] 2132/20</p> <p>exact [5] 1975/15 1977/16 2007/25 2022/25 2073/12</p> <p>exactly [12] 2009/17 2021/13 2036/13 2036/20 2064/2 2081/1 2097/22 2121/2 2122/22 2129/2 2130/1 2135/7</p> <p>examination [14] 1965/16 1965/22 1987/4 2006/15 2015/4 2020/1 2027/3 2062/23 2062/24 2117/20 2119/11 2121/9 2122/25 2124/3</p> <p>examine [2] 2006/5 2006/17</p> <p>examined [3] 1965/4 2026/15 2074/12</p> <p>example [22] 1991/22 2010/25 2011/11 2011/16 2017/25 2018/1 2018/15 2031/9 2031/19 2036/1 2036/19 2049/4 2056/8 2059/7 2070/24 2072/17 2089/13 2101/1 2120/6 2128/9 2129/3 2130/3</p> <p>exceeds [1] 2010/1</p> <p>excellent [1] 2002/12</p> <p>except [1] 2021/6</p> <p>excerpting [1] 1986/18</p> <p>exclusive [1] 2130/14</p> <p>excuse [2] 2001/14 2110/1</p> <p>excused [2] 2025/21 2126/8</p> <p>execute [1] 2055/18</p> <p>executive [13] 2053/18 2054/9 2054/20 2055/3 2055/8 2055/11 2055/12 2056/9 2056/11 2056/16 2056/21 2058/12 2075/4</p> <p>exercise [1] 1978/5</p> <p>exhibit [32] 1967/6 1969/3 1998/1 2000/18 2003/14 2003/14 2005/2 2005/5 2005/10 2005/12 2006/24 2014/24 2015/1 2045/11 2045/12 2045/24 2046/14 2047/2 2047/24 2051/7 2051/22 2062/4 2099/20 2116/6 2126/13 2126/14 2126/19 2133/22 2133/24 2134/2 2134/4 2136/8</p> <p>Exhibit 104 [1] 2045/24</p> <p>exhibits [14] 2026/23 2046/2 2046/4 2046/8 2046/10 2126/17 2133/18 2134/6 2134/8 2135/4 2135/5 2136/8 2137/9 2137/13</p> <p>exist [2] 2108/23 2119/9</p> <p>existence [3] 2017/19 2019/4 2133/21</p> <p>exists [1] 2128/25</p> <p>expand [1] 1966/19</p> <p>expect [8] 2022/10 2040/10 2060/20 2068/9 2083/3 2083/4 2083/6 2131/2</p> <p>expected [3] 1990/20 2085/14 2102/19</p> <p>experience [1] 1993/9</p> <p>expert [6] 2004/14 2004/16 2024/19 2029/18 2030/7 2082/16</p> <p>expert's [1] 1971/9</p> <p>expertise [1] 2048/2</p> <p>experts [7] 1998/14 2006/8 2098/20 2099/24 2100/17 2130/8 2130/12</p> <p>experts' [1] 2089/20</p> <p>explain [9] 1972/9 1988/9 2015/23 2035/12 2041/1 2046/14 2050/14 2050/15 2081/7</p> <p>explained [4] 1979/9 2030/13 2040/22 2096/7</p> <p>explaining [1] 1968/2</p> <p>explains [1] 2064/24</p> <p>explanation [4] 2065/13 2069/23 2088/14</p>	<p>2088/8</p> <p>explicitly [1] 1998/18</p> <p>exposed [2] 1980/3 2059/19</p> <p>exposure [2] 2059/14 2077/17</p> <p>expound [1] 2034/6</p> <p>express [2] 2035/18 2093/14</p> <p>expressed [1] 2090/16</p> <p>expressing [5] 2033/11 2052/12 2057/16 2057/20 2094/21</p> <p>expression [3] 2058/8 2078/16 2085/13</p> <p>expressive [3] 2030/11 2078/9 2084/1</p> <p>expressive-receptive [1] 2078/9</p> <p>extend [1] 1966/21</p> <p>extended [2] 2008/20 2009/9</p> <p>extensive [1] 2064/1</p> <p>extensively [2] 2015/21 2099/15</p> <p>extent [5] 1979/7 2008/9 2073/4 2089/16 2131/1</p> <p>external [1] 1974/7</p> <p>extraneous [1] 1971/8</p> <p>extreme [1] 2022/5</p> <p>extremely [2] 2000/10 2012/16</p> <p>eve [3] 2064/3 2064/7 2065/12</p> <p>F</p> <p>face [1] 2025/16</p> <p>faced [3] 2055/20 2056/5 2107/20</p> <p>facilitate [1] 2004/1</p> <p>fact [31] 1981/22 1989/16 1993/10 2006/4 2006/16 2015/12 2034/1 2035/21 2038/24 2042/14 2042/19 2047/21 2055/15 2056/15 2057/23 2058/17 2060/4 2060/7 2061/7 2065/25 2072/22 2077/12 2081/11 2098/17 2099/5 2109/13 2115/6 2115/13 2122/20 2127/21 2130/7</p> <p>factor [9] 1985/12 1989/15 1989/18 1989/20 2003/21 2042/9 2042/9 2042/21 2121/6</p> <p>factors [3] 1989/21 1989/23 2077/23</p> <p>facts [1] 2035/22</p> <p>failing [1] 2092/22</p> <p>fails [1] 2096/12</p> <p>fair [7] 1979/5 1987/3 2024/13 2025/12 2069/20 2099/12 2100/21</p> <p>fairly [7] 2039/9 2046/21 2057/9 2070/6 2070/13 2075/5 2088/25</p> <p>fall [10] 1981/9 1994/22 1995/12 2034/13 2035/5 2035/6 2054/20 2054/21 2071/14 2086/11</p> <p>fallen [1] 1982/25</p> <p>falling [1] 2052/18</p> <p>falls [4] 1982/12 1994/18 1994/22 2025/11</p> <p>false [1] 2128/11</p> <p>familiar [12] 1986/8 1987/9 1987/12 1990/4 1990/5 2003/11 2003/15 2059/9 2064/16 2066/20 2082/13 2100/7</p> <p>families [1] 2079/17</p> <p>family [2] 2012/1 2067/22</p> <p>far [21] 1977/17 1977/20 1994/10 2001/5 2030/20 2031/15 2033/13 2034/13 2039/6 2039/13 2039/18 2044/13 2049/18 2058/11 2059/10 2065/17 2071/13 2076/8 2083/8 2086/9 2112/20</p> <p>fascinating [2] 2006/10 2108/19</p> <p>fast [1] 2059/8</p> <p>faster [2] 2120/8 2120/9</p> <p>faulting [1] 2130/24</p> <p>favor [1] 2001/21</p> <p>Fax [1] 1964/14</p> <p>FCRR [1] 1964/12</p> <p>feature [1] 1990/19</p> <p>featured [1] 1993/11</p> <p>features [4] 2032/23 2032/25 2055/6 2087/2</p> <p>February [1] 1977/22</p>	<p>feedback [3] 2053/20 2056/1 2107/18</p> <p>fell [4] 2040/15 2051/1 2058/1 2068/21</p> <p>felt [1] 1966/13</p> <p>females [1] 2118/14</p> <p>few [13] 2040/19 2048/25 2051/3 2054/19 2054/21 2056/20 2062/14 2073/12 2100/16 2102/25 2103/5 2107/16 2107/17</p> <p>fewer [1] 1990/20</p> <p>field [7] 1968/16 1999/4 1999/12 2029/3 2030/8 2098/20 2099/10</p> <p>fields [1] 2029/6</p> <p>fifth [2] 2106/25 2128/25</p> <p>fifth retest [1] 2106/25</p> <p>figure [8] 2036/20 2036/23 2038/8 2055/21 2055/21 2058/20 2073/12 2097/9</p> <p>figuring [1] 2087/22</p> <p>fill [5] 2011/21 2038/16 2075/22 2130/21 2133/9</p> <p>final [1] 2012/18</p> <p>finally [5] 2054/25 2056/4 2058/14 2062/2 2130/7</p> <p>find [9] 1984/20 2006/9 2006/20 2041/17 2053/1 2076/25 2096/25 2108/19 2116/13</p> <p>finding [4] 2052/13 2123/10 2123/15 2129/12</p> <p>findings [7] 1979/23 1979/25 1999/15 1999/20 2051/15 2081/4 2113/17</p> <p>finds [1] 1979/22</p> <p>fine [5] 1965/7 2024/25 2026/3 2066/5 2067/16</p> <p>finger [2] 1992/2 1996/1</p> <p>fire [1] 2036/1</p> <p>first [46] 1972/24 1976/4 1980/2 1980/3 1980/25 2007/14 2007/20 2010/15 2013/1 2013/12 2034/8 2041/8 2045/23 2046/20 2047/11 2048/14 2052/2 2054/8 2055/20 2056/8 2056/21 2063/21 2063/24 2064/15 2073/14 2079/3 2083/2 2085/3 2092/25 2100/16 2105/14 2106/19 2106/23 2109/13 2111/3 2112/4 2112/16 2116/14 2118/4 2118/5 2118/9 2121/11 2127/20 2131/9 2131/11 2131/25</p> <p>fit [3] 2030/24 2032/17 2064/4</p> <p>five [12] 1974/14 1986/10 1987/15 1987/18 2050/7 2050/9 2060/19 2075/8 2102/19 2110/1 2117/16 2117/17</p> <p>fixed [1] 2087/21</p> <p>flag [1] 2130/16</p> <p>Fletcher [3] 2076/13 2086/6 2086/25</p> <p>Fletcher's [1] 1998/1</p> <p>flexibly [2] 2053/20 2055/25</p> <p>flip [2] 2117/23 2117/25</p> <p>floating [1] 1970/4</p> <p>Floor [1] 1964/2</p> <p>fluctuation [1] 1974/5</p> <p>fluency [1] 2075/18</p> <p>fluid [1] 2081/12</p> <p>Flynn [19] 1985/12 1988/15 1988/16 1996/15 1998/2 1998/25 1999/17 1999/22 2000/9 2000/22 2001/13 2002/6 2002/9 2002/25 2003/20 2003/22 2004/17 2129/22 2130/4</p> <p>Flynn's [1] 2002/6</p> <p>focus [20] 1976/7 2010/17 2010/18 2010/19 2011/5 2011/8 2027/12 2027/14 2028/9 2028/12 2028/15 2041/12 2055/9 2063/10 2063/25 2074/14 2091/23 2095/15 2119/22 2119/23</p> <p>focused [6] 1980/8 2011/12 2063/21 2074/8 2087/15 2094/15</p> <p>focuses [1] 2091/24</p> <p>focusing [2] 1981/1 1981/3</p> <p>folks [2] 2088/3 2125/2</p>
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<p>F</p> <p>follow [5] 1973/18 1974/8 1975/24 1989/16 2002/13</p> <p>follow-up [5] 1973/18 1974/8 1975/24 1989/16 2002/13</p> <p>followed [1] 2028/7</p> <p>following [4] 1970/7 1978/10 2028/11 2067/2</p> <p>follows [3] 1965/4 2026/16 2037/22</p> <p>foolish [1] 1979/20</p> <p>forensic [7] 2001/18 2003/12 2003/18 2004/16 2005/23 2014/21 2099/22</p> <p>forget [2] 2022/24 2071/6</p> <p>forgot [1] 2026/22</p> <p>form [3] 2019/5 2032/19 2033/15</p> <p>formal [1] 2072/18</p> <p>formally [1] 2133/22</p> <p>format [6] 2049/4 2049/10 2049/22 2102/1 2110/25 2111/15</p> <p>formed [1] 2053/8</p> <p>forming [1] 2032/5</p> <p>forms [1] 1990/19</p> <p>forth [5] 2003/2 2057/5 2092/19 2128/9 2128/20</p> <p>forward [1] 2046/1</p> <p>forwarded [2] 2007/3 2007/5</p> <p>forwards [1] 2036/7</p> <p>fought [1] 2006/11</p> <p>found [6] 1986/9 2042/14 2042/17 2113/24 2117/6 2123/19</p> <p>four [10] 1989/7 2042/15 2050/8 2050/8 2050/9 2060/16 2095/20 2118/18 2118/24 2121/1</p> <p>fourth [2] 2106/25 2128/22</p> <p>fraction [2] 1966/23 1999/24</p> <p>Francisco [1] 1963/23</p> <p>free [3] 1980/4 1987/8 2057/16</p> <p>freedom [2] 2042/22 2044/18</p> <p>frequently [5] 2031/15 2051/16 2053/2 2078/25 2125/2</p> <p>Friday [1] 2007/18</p> <p>friends [1] 2065/25</p> <p>front [6] 1967/1 2073/18 2085/1 2113/6 2135/19 2135/24</p> <p>frontal [1] 2055/15</p> <p>full [30] 1990/20 1992/18 1992/23 1994/9 2003/23 2026/17 2034/3 2074/19 2090/22 2094/8 2094/13 2095/22 2096/4 2096/17 2098/4 2098/6 2098/14 2098/22 2099/11 2100/21 2100/24 2109/14 2111/15 2121/16 2121/22 2122/5 2122/12 2122/13 2122/16 2133/23</p> <p>full-scale [13] 1990/20 1992/18 1992/23 2003/23 2094/8 2094/13 2095/22 2096/4 2096/17 2098/4 2098/14 2099/11 2100/21 2100/24 2109/14 2111/15 2121/16 2121/22 2122/5 2122/12 2122/13 2122/16 2133/23</p> <p>functional [14] 2017/16 2017/25 2019/12 2021/19 2022/23 2064/22 2065/1 2065/18 2073/1 2073/3 2079/23 2080/1 2088/23 2099/18</p> <p>functional-academic [2] 2064/22 2065/18</p> <p>functioning [75] 1972/12 1972/14 1972/22 1972/25 1973/14 1974/7 1975/18 1975/19 1975/23 1976/5 1976/15 1976/22 1977/5 1977/14 1977/18 1977/22 1990/16 1990/16 2009/15 2009/19 2009/21 2009/24 2010/1 2010/6 2010/14 2010/16 2011/2 2011/11 2011/23 2012/10 2017/3 2017/6 2017/10 2017/21 2018/20 2018/21 2020/22 2021/14 2021/17 2022/6 2022/8 2022/9 2022/12 2054/10 2054/20 2055/4 2055/8 2055/12</p>	<p>2055/13 2056/9 2056/16 2056/21 2058/12 2060/4 2053/23 2041/2 2075/20 2079/2 2083/1 2083/3 2085/11 2092/16 2092/21 2093/1 2095/4 2095/17 2096/15 2096/18 2097/25 2098/21 2099/12 2102/22 2124/7 2128/22 2128/24</p> <p>functioning -- especially [1] 2102/22</p> <p>functioning analysis [1] 2021/17</p> <p>functions [4] 2053/19 2055/18 2056/11 2092/5</p> <p>further [7] 1974/17 2001/16 2040/15 2062/21 2081/7 2122/23 2125/19</p> <p>future [1] 1975/16</p> <p>G</p> <p>G-r-e-e-n-e-r-y [1] 2028/13</p> <p>gain [1] 2016/22</p> <p>gained [2] 2003/20 2077/12</p> <p>gains [3] 2002/1 2102/18 2107/15</p> <p>garage [1] 2135/20</p> <p>GARAUFIS [1] 1963/9</p> <p>Gardner [1] 2099/16</p> <p>gauge [2] 2016/14 2130/13</p> <p>gave [7] 1988/18 1988/25 1990/14 1993/4 1997/13 2011/15 2072/17</p> <p>general [16] 1972/25 1974/21 1977/16 1977/18 1978/18 1981/24 1987/14 1988/4 1991/6 2010/5 2011/22 2022/16 2070/16 2085/10 2127/20 2128/13</p> <p>generally [5] 1977/3 1988/6 1997/3 2032/5 2032/8</p> <p>generated [2] 1967/9 1967/21</p> <p>genes [1] 2079/18</p> <p>genetic [1] 2079/14</p> <p>Georgia [1] 2028/7</p> <p>get [37] 1973/4 1974/3 1976/19 1977/2 1977/5 1979/3 1979/4 1981/19 1982/16 1983/19 1985/21 1988/9 1992/23 2011/1 2012/14 2021/16 2024/6 2036/4 2045/1 2050/10 2052/22 2055/23 2063/7 2065/14 2084/14 2085/25 2086/8 2086/18 2101/14 2101/14 2102/5 2108/14 2114/6 2120/9 2120/22 2125/9 2134/9</p> <p>gets [4] 1973/17 2016/18 2024/9 2101/3</p> <p>getting [7] 1978/21 1989/4 2022/7 2086/19 2110/20 2120/8 2134/17</p> <p>gifted [1] 2086/15</p> <p>gifts [1] 2089/10</p> <p>give [18] 1969/7 1976/11 1983/3 1983/5 1983/18 1989/1 1992/14 1996/15 2008/19 2068/24 2090/8 2090/12 2091/20 2093/25 2125/13 2128/21 2129/16 2130/5</p> <p>given [20] 1972/13 1976/6 1976/22 1977/23 1978/15 1988/19 1991/16 1997/1 2017/19 2057/23 2075/19 2085/14 2101/5 2102/22 2107/19 2108/17 2108/17 2110/1 2111/24 2112/11</p> <p>gives [1] 1994/11</p> <p>giving [7] 1981/4 1995/19 1996/7 2008/3 2008/4 2103/2 2103/3</p> <p>global [2] 1989/8 2102/20</p> <p>go [41] 1969/20 1970/16 1971/8 1972/20 1977/17 1985/5 1988/10 1993/20 1994/10 1999/24 2000/5 2000/5 2001/5 2008/5 2011/20 2014/19 2020/17 2029/22 2034/5 2035/15 2037/11 2038/9 2041/3 2046/12 2048/10 2051/5 2066/25 2071/7 2071/8 2079/4 2087/13 2107/7 2107/7 2111/3 2117/19 2118/1 2119/22 2124/15 2125/10 2125/11 2127/1</p> <p>goal [5] 2055/19 2055/21 2055/22 2056/2 2101/11</p> <p>goal-directed [1] 2055/19</p> <p>goals [1] 2071/22</p>	<p>goes [3] 1970/23 1984/8 2016/12 going [86] 1967/19 1969/14 1970/16 1971/14 1971/14 1974/22 1975/5 1976/18 1977/2 1977/16 1978/6 1979/3 1981/25 1982/1 1982/1 1982/16 1983/3 1983/5 1983/19 1987/18 2001/16 2001/17 2004/4 2005/25 2006/1 2006/16 2006/18 2010/2 2010/9 2010/24 2013/23 2013/24 2014/3 2034/4 2039/13 2045/10 2046/3 2051/8 2053/3 2058/4 2062/2 2063/10 2072/20 2086/10 2096/9 2096/14 2098/5 2098/6 2098/18 2098/22 2099/2 2103/17 2109/4 2109/14 2109/18 2109/25 2110/8 2110/8 2112/24 2117/1 2118/3 2120/14 2127/2 2127/18 2132/6</p> <p>gone [4] 1999/20 2000/3 2060/12 2120/14</p> <p>good [28] 1965/6 1965/12 1965/13 1965/24 1965/25 1972/22 1973/18 1979/2 2012/16 2014/12 2018/22 2027/5 2027/6 2031/9 2037/17 2043/19 2057/18 2063/1 2063/2 2067/21 2070/24 2077/10 2083/24 2095/11 2112/12 2124/22 2125/8 2135/25</p> <p>got [35] 1972/23 1973/12 1974/8 1976/19 1976/24 1986/16 1986/16 1986/19 1986/24 1987/20 1987/22 1993/12 1996/4 2010/20 2019/10 2019/15 2020/9 2021/23 2024/10 2025/10 2042/3 2050/7 2050/8 2052/23 2060/22 2065/17 2081/15 2095/20 2097/13 2100/25 2107/7 2113/17 2113/19 2122/14 2124/22</p> <p>gotten [2] 1995/23 2074/20</p> <p>government [25] 1963/12 1967/6 1993/20 1997/10 1997/21 2006/4 2006/6 2026/8 2026/10 2045/11 2045/24 2046/7 2046/14 2047/2 2047/24 2051/7 2051/22 2062/4 2126/13 2126/14 2126/17 2126/22 2130/22 2132/19 2136/6</p> <p>Government Exhibit 97 [1] 2062/4</p> <p>government's [6] 1971/7 2005/16 2046/10 2126/19 2127/3 2137/13</p> <p>gradient [1] 2076/3</p> <p>gradually [2] 1982/6 2021/13</p> <p>graduated [1] 2071/8</p> <p>grant [2] 2071/2 2071/3</p> <p>granted [1] 2030/2</p> <p>graph [10] 2045/6 2046/15 2046/16 2046/17 2046/19 2047/3 2047/6 2047/7 2062/6 2062/10</p> <p>graphs [1] 2045/15</p> <p>gravitated [1] 2031/19</p> <p>great [3] 1993/10 1993/17 2119/21</p> <p>greater [19] 1983/19 1983/19 2002/2 2111/23 2113/5 2113/17 2113/24 2114/14 2114/15 2115/23 2116/22 2116/24 2118/18 2118/19 2118/20 2118/25 2119/4 2119/7 2121/17</p> <p>green [7] 2003/2 2003/5 2003/7 2003/8 2020/5 2020/9 2089/7</p> <p>Greenery [1] 2028/13</p> <p>grew [3] 2019/15 2059/15 2059/17</p> <p>group [9] 1973/14 1974/11 1999/25 2000/3 2013/2 2027/11 2027/14 2075/21 2124/9</p> <p>groups [2] 2000/24 2118/18</p> <p>growth [3] 1972/2 1973/9 1973/9</p> <p>guess [2] 1975/12 2085/20</p> <p>guideline [3] 1998/14 2087/22 2087/25</p> <p>guidelines [1] 2063/18</p> <p>H</p> <p>had [79] 1969/3 1971/11 1971/12 1976/3 1977/20 1993/9 2008/18 2011/7 2013/17 2014/8 2017/11 2017/14 2018/1 2019/4 2020/4 2020/21 2020/21 2021/3 2022/1 2022/23 2023/15 2023/15 2023/20 2023/20</p>
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<p>H had... [55] 2028/25 2032/4 2032/12 2032/14 2032/23 2033/8 2033/10 2033/16 2033/20 2040/7 2044/4 2044/5 2045/4 2049/8 2050/13 2055/2 2058/24 2059/18 2060/6 2060/25 2061/6 2062/5 2065/12 2065/25 2066/11 2070/20 2071/10 2071/13 2071/23 2071/24 2071/25 2071/25 2072/6 2072/6 2072/7 2075/8 2075/21 2075/22 2075/22 2075/23 2075/24 2077/1 2079/7 2081/9 2081/19 2082/16 2096/8 2103/9 2103/10 2118/17 2118/19 2119/1 2131/5 2131/8 2132/20 Hagen [5] 1997/11 1997/15 1997/25 1998/11 1998/17 Hagen's [1] 1998/8 half [5] 2008/13 2008/14 2025/8 2058/10 2127/11 halfway [1] 2107/14 hand [5] 1969/4 2026/12 2036/24 2095/9 2112/18 handed [1] 2045/12 hands [3] 2031/17 2036/15 2039/23 hands-on [2] 2036/15 2039/23 handwriting [1] 2037/18 handy [1] 2053/1 hanging [1] 2068/20 happen [2] 2070/3 2119/13 happened [2] 2103/19 2131/25 happens [1] 2053/1 happy [1] 2126/7 hard [9] 1995/20 2006/11 2024/3 2057/21 2076/21 2077/22 2089/21 2125/16 2134/7 harder [5] 2038/10 2047/8 2049/14 2050/2 2111/13 Harvard [1] 2099/16 has [80] 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		<p>I I'd [7] 1967/23 1969/4 1971/11 2082/24 2106/14 2127/10 2130/19 I'll [2] 2045/23 2117/17 I'm [84] 1968/18 1969/14 1970/16 1970/16 1970/17 1971/1 1971/14 1971/14 1978/6 1978/20 1981/1 1981/1 1981/6 1981/14 1981/20 1982/7 1982/18 1984/8 1984/10 1984/20 1984/20 1990/1 1993/8 1994/9 2003/14 2004/4 2004/13 2004/13 2005/25 2006/18 2008/8 2012/4 2012/5 2021/2 2021/7 2021/9 2021/9 2021/10 2021/24 2023/1 2023/4 2023/4 2027/10 2034/4 2040/17 2045/10 2046/1 2046/3 2046/3 2051/7 2051/8 2056/2 2059/1 2062/2 2074/4 2081/5 2081/10 2082/13 2082/22 2085/5 2088/3 2088/3 2094/7 2095/25 2105/12 2106/14 2107/10 2114/9 2118/8 2118/8 2120/2 2122/9 2123/9 2123/9 2123/14 2126/1 2126/7 2127/2 2127/6 2127/18 2127/24 2130/23 2132/15 2133/1 I've [15] 1968/19 1976/24 1993/18 2005/18 2006/24 2025/8 2062/16 2068/24 2073/12 2082/18 2089/19 2089/20 2090/20 2097/13 2099/15 I.Q [50] 1966/20 1974/23 1974/24 1977/1 1977/10 1987/18 1989/9 1990/20 1992/18 1992/24 1993/2 1993/4 1994/16 1994/17 1995/12 1996/5 1998/2 1998/19 1999/24 2000/1 2000/24 2000/25 2001/6 2001/8</p>

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<p>introduced [3] 2102/4 2108/6 2134/22</p> <p>introduces [1] 1970/7</p> <p>introducing [2] 2133/7 2133/8</p> <p>invalid [3] 1975/16 1979/6 1999/9</p> <p>investigation [1] 2002/14</p> <p>investigations [3] 2106/12 2106/22 2119/3</p> <p>involve [6] 2031/16 2094/20 2094/20</p> <p>2094/21 2094/24 2094/24</p> <p>involved [6] 2037/3 2037/3 2049/16 2068/14</p> <p>2094/24 2115/6</p> <p>involvement [1] 2005/15</p> <p>involves [1] 2037/7</p> <p>IQ [66] 2016/20 2025/6 2025/8 2025/11</p> <p>2035/11 2035/11 2035/14 2035/16 2038/1</p> <p>2039/1 2041/5 2041/6 2041/25 2041/25</p> <p>2042/15 2042/16 2042/16 2043/18 2044/4</p> <p>2044/7 2044/13 2044/21 2046/18 2047/6</p> <p>2047/7 2047/9 2047/13 2048/5 2048/7 2048/9</p> <p>2048/11 2052/6 2052/15 2052/19 2108/12</p> <p>2108/21 2108/23 2112/7 2115/16 2117/7</p> <p>2119/22 2121/16 2121/23 2122/5 2122/17</p> <p>2123/5 2123/6 2123/7 2123/20 2123/22</p> <p>2125/3 2128/25 2129/2 2129/5 2129/11</p> <p>2129/15 2129/16 2129/19 2129/20 2130/2</p> <p>2130/4 2130/6 2130/8 2130/9 2130/12</p> <p>2130/13</p> <p>IQ-type [1] 2052/6</p> <p>IQs [3] 2109/14 2119/1 2123/20</p> <p>irrelevant [2] 1970/13 1978/5</p> <p>irrespective [1] 2014/2</p> <p>is [561]</p> <p>isn't [7] 2015/12 2025/1 2051/25 2052/10</p> <p>2109/10 2109/25 2125/5</p> <p>isnt [7] 1976/17 1986/24 1993/25 1999/10</p> <p>2080/13 2086/20 2098/16</p> <p>isolated [6] 2030/22 2031/4 2040/11 2071/17</p> <p>2088/24 2089/25</p> <p>issue [26] 1970/14 1971/1 1973/7 1974/2</p> <p>1982/11 1983/21 1993/2 1993/14 1994/12</p> <p>1997/16 1999/10 2015/21 2067/2 2072/10</p> <p>2074/14 2074/24 2081/8 2086/4 2093/21</p> <p>2100/20 2115/7 2117/4 2122/14 2127/21</p> <p>2132/18 2133/3</p> <p>issues [15] 1976/16 2003/19 2007/7 2008/5</p> <p>2009/2 2023/14 2072/5 2076/9 2091/3</p> <p>2127/16 2130/16 2131/2 2131/16 2133/1</p> <p>2133/2</p> <p>issues...and [1] 2112/6</p> <p>it [367]</p> <p>it's [51] 1973/7 1989/11 2000/10 2013/21</p> <p>2014/12 2018/8 2020/13 2020/19 2023/9</p> <p>2024/2 2024/13 2025/17 2031/9 2033/3</p> <p>2037/4 2038/5 2039/5 2040/11 2044/10</p> <p>2045/12 2047/4 2048/23 2049/18 2051/6</p> <p>2051/9 2052/24 2054/2 2060/1 2060/14</p> <p>2061/5 2081/14 2100/20 2105/24 2108/24</p> <p>2109/1 2111/18 2114/8 2116/6 2118/4 2121/1</p> <p>2121/14 2121/14 2121/15 2125/1 2125/15</p> <p>2131/15 2131/17 2131/17 2132/21 2135/14</p> <p>2136/14</p> <p>item [1] 2036/25</p> <p>items [19] 1982/1 1988/13 1990/17 2035/21</p> <p>2038/11 2049/5 2049/14 2050/5 2050/9</p> <p>2050/13 2059/8 2059/9 2059/14 2059/15</p> <p>2107/17 2107/20 2110/25 2111/13 2111/13</p> <p>iterations [3] 2043/17 2103/10 2111/25</p> <p>its [92] 1967/4 1967/6 1967/20 1967/23</p> <p>1969/15 1970/2 1970/13 1970/24 1971/16</p> <p>1972/17 1973/12 1974/4 1974/18 1975/4</p> <p>1975/4 1975/17 1976/16 1977/7 1977/16</p> <p>1977/17 1978/6 1979/1 1979/4 1979/5 1979/8</p> <p>1980/25 1982/24 1983/5 1983/8 1986/1</p>	<p>1987/3 1987/6 1987/20 1987/20 1987/22</p> <p>1988/20 1988/20 1988/6 1989/7 1989/8</p> <p>1989/18 1990/21 1991/3 1997/7 1999/1</p> <p>1999/18 1999/19 2001/7 2001/14 2001/14</p> <p>2004/20 2006/1 2007/5 2007/25 2008/6</p> <p>2012/6 2012/16 2025/16 2026/8 2038/14</p> <p>2066/13 2067/21 2077/22 2079/16 2079/16</p> <p>2079/21 2080/4 2080/6 2080/8 2080/9 2080/9</p> <p>2080/9 2080/17 2080/19 2081/18 2081/19</p> <p>2083/7 2083/19 2084/2 2084/20 2084/21</p> <p>2088/2 2088/2 2089/21 2089/23 2090/9</p> <p>2099/7 2099/8 2099/20 2101/10 2101/16</p> <p>2102/16</p> <p>itself [4] 1976/2 1992/6 2019/16 2117/2</p> <p>IV [27] 1988/25 1989/1 1989/2 1989/2</p> <p>1989/3 1989/6 1989/10 1989/15 1989/18</p> <p>1989/20 1990/10 1990/19 1991/3 1991/6</p> <p>1991/7 1991/8 2034/10 2049/22 2050/9</p> <p>2064/15 2102/3 2103/20 2108/8 2108/16</p> <p>2108/17 2128/20 2129/5</p>	<p>keeping [1] 2120/4</p> <p>key [3] 2055/6 2088/22 2100/17</p> <p>kid [7] 2067/22 2067/22 2068/9 2068/12</p> <p>2092/15 2112/22 2125/4</p> <p>kidding [2] 2125/25 2126/1</p> <p>kids [7] 1976/11 1976/13 2068/8 2077/15</p> <p>2081/16 2120/9 2125/7</p> <p>kind [6] 1974/4 1984/14 2085/22 2107/20</p> <p>2107/23 2114/12</p> <p>kindergarten [1] 2033/14</p> <p>Kitt [1] 1964/12</p> <p>know [58] 1968/11 1968/14 1968/18 1968/24</p> <p>1970/1 1970/2 1970/12 1976/8 1977/13</p> <p>1983/8 1983/9 1983/23 1983/24 1984/6</p> <p>1985/25 1987/17 1987/19 1989/22 1991/13</p> <p>1993/17 2004/8 2006/9 2006/13 2006/19</p> <p>2011/19 2014/3 2018/23 2021/13 2021/15</p> <p>2043/13 2051/21 2056/25 2057/11 2057/21</p> <p>2068/4 2076/17 2076/24 2077/15 2078/25</p> <p>2081/1 2081/16 2082/17 2082/18 2089/19</p> <p>2093/6 2093/17 2105/5 2112/18 2120/16</p> <p>2125/1 2125/4 2130/19 2132/6 2134/6</p> <p>2134/10 2135/14 2135/20 2135/21</p> <p>knowledge [8] 2031/25 2035/21 2035/25</p> <p>2039/16 2042/19 2043/11 2074/22 2086/3</p> <p>known [6] 1968/16 1968/18 1987/25 2030/24</p> <p>2105/17 2124/9</p> <p>knows [1] 1991/7</p>
	<p>J</p> <p>Jack [1] 2076/13</p> <p>JAMES [6] 1963/14 2050/19 2058/23</p> <p>2088/22 2090/8 2108/11</p> <p>James's [8] 2051/8 2051/15 2052/10 2053/4</p> <p>2055/7 2056/12 2075/5 2076/6</p> <p>January [2] 2127/4 2127/5</p> <p>January 11th [1] 2127/5</p> <p>January 4th [1] 2127/4</p> <p>Jim [1] 1965/10</p> <p>job [1] 2136/14</p> <p>Johnson [1] 2098/14</p> <p>Journal [3] 2003/12 2014/22 2099/21</p> <p>JUDGE [1] 1963/10</p> <p>judges [2] 2013/8 2013/14</p> <p>judgment [4] 2016/24 2035/24 2042/20</p> <p>2068/20</p> <p>jumped [1] 2111/12</p> <p>jumping [1] 2002/15</p> <p>jury [2] 1971/12 2132/1</p> <p>just [88] 1966/1 1967/22 1970/7 1971/24</p> <p>1974/16 1974/18 1975/13 1976/3 1977/20</p> <p>1978/13 1979/12 1982/20 1983/4 1983/10</p> <p>1985/21 1987/3 1989/7 1989/14 1994/5</p> <p>1994/9 1994/11 1996/11 2001/12 2001/14</p> <p>2001/18 2004/13 2006/16 2007/24 2008/3</p> <p>2008/4 2008/6 2008/10 2008/15 2009/25</p> <p>2010/5 2010/14 2011/22 2020/3 2020/14</p> <p>2020/25 2022/11 2026/21 2034/5 2038/8</p> <p>2040/19 2041/24 2042/16 2045/22 2047/24</p> <p>2047/25 2051/5 2051/8 2051/21 2052/19</p> <p>2059/19 2060/16 2062/13 2065/11 2065/14</p> <p>2069/6 2069/16 2079/16 2088/2 2090/9</p> <p>2092/24 2096/3 2096/8 2108/15 2111/20</p> <p>2114/7 2114/17 2114/23 2117/13 2117/15</p> <p>2117/22 2117/24 2118/6 2120/3 2122/10</p> <p>2123/2 2126/12 2131/5 2131/8 2132/6 2132/8</p> <p>2133/17 2134/12 2136/9</p> <p>Justice [1] 2014/22</p>	<p>L</p> <p>label [1] 2024/2</p> <p>labeled [6] 2042/17 2042/22 2043/2 2043/6</p> <p>2053/14 2108/22</p> <p>labels [1] 1989/4</p> <p>lack [6] 2016/8 2016/9 2018/14 2022/3</p> <p>2039/23 2112/5</p> <p>Lafayette [1] 1963/20</p> <p>laid [2] 2045/17 2058/23</p> <p>language [50] 2031/10 2031/11 2031/13</p> <p>2031/16 2031/22 2032/24 2033/13 2039/5</p> <p>2039/11 2039/12 2039/25 2041/22 2043/13</p> <p>2043/15 2054/2 2054/5 2054/24 2056/22</p> <p>2058/8 2058/25 2059/4 2059/13 2059/16</p> <p>2060/20 2061/2 2075/16 2076/6 2076/9</p> <p>2076/11 2078/9 2082/25 2083/1 2083/2</p> <p>2083/8 2083/9 2083/12 2083/14 2083/19</p> <p>2083/21 2084/2 2084/4 2084/5 2084/6 2084/9</p> <p>2084/10 2084/13 2084/16 2096/24 2098/25</p> <p>2099/1</p> <p>language-based [16] 2031/10 2032/24</p> <p>2039/5 2039/12 2054/2 2054/5 2054/24</p> <p>2059/4 2059/13 2060/20 2061/2 2075/16</p> <p>2083/19 2084/10 2096/24 2098/25</p> <p>language-based learning [1] 2043/15</p> <p>large [15] 2007/5 2013/8 2013/14 2018/5</p> <p>2027/10 2034/19 2048/15 2049/13 2075/6</p> <p>2095/24 2106/12 2106/22 2107/1 2114/2</p> <p>2134/18</p> <p>largely [4] 2022/2 2041/7 2054/10 2083/17</p> <p>larger [7] 2001/9 2001/10 2001/22 2011/2</p> <p>2016/15 2111/15 2120/1</p> <p>largest [1] 2055/16</p> <p>Larrabee [1] 1989/17</p> <p>Larry [1] 2117/5</p> <p>last [18] 1966/7 1974/11 1979/3 2004/9</p> <p>2004/10 2020/3 2026/19 2047/6 2050/17</p> <p>2053/18 2054/1 2054/16 2060/16 2061/4</p> <p>2106/19 2107/5 2124/1 2127/11</p> <p>lastly [1] 2113/2</p> <p>later [9] 1971/16 1974/6 1980/20 1980/25</p> <p>1983/13 2077/6 2081/18 2113/1 2130/6</p> <p>latter [1] 2122/18</p> <p>law [8] 1963/22 1964/1 2003/13 2013/7</p>
	<p>K</p> <p>K-a-p-l-a-n [1] 2028/10</p> <p>Kaplan [1] 2028/10</p> <p>Kaufman [27] 1981/8 1981/18 1982/18</p> <p>1983/12 2039/8 2043/19 2095/19 2101/6</p> <p>2101/21 2102/9 2102/10 2102/15 2103/18</p> <p>2109/3 2110/9 2111/22 2112/15 2113/3</p> <p>2115/1 2115/6 2116/3 2119/7 2123/2 2125/21</p> <p>2125/22 2125/24 2126/5</p> <p>Kaufman's [4] 1986/25 2102/7 2105/3</p> <p>2115/10</p> <p>keep [5] 1976/19 2008/4 2056/2 2108/24</p> <p>2109/3</p>	

<p>law... [4] 2013/13 2099/21 2127/15 2127/21 lax [1] 2119/2 lay [1] 2093/25 learn [9] 1982/1 2011/6 2077/3 2077/6 2079/2 2079/3 2086/16 2086/16 2125/11 learned [6] 1992/8 1992/14 2018/10 2035/23 2060/18 2060/25 learning [115] 1984/18 1992/7 1992/8 1992/10 1996/2 2018/2 2018/16 2018/22 2019/8 2019/13 2022/1 2023/15 2027/15 2027/19 2028/16 2028/25 2029/3 2029/8 2029/10 2029/13 2029/18 2029/25 2030/7 2030/9 2030/10 2030/16 2030/17 2030/23 2030/25 2031/10 2031/11 2032/3 2032/17 2032/24 2034/9 2034/12 2034/15 2034/18 2034/23 2039/6 2039/11 2039/12 2043/15 2043/23 2044/19 2044/21 2045/1 2047/20 2048/2 2054/3 2054/5 2054/11 2054/12 2054/21 2054/22 2054/24 2059/4 2059/13 2060/19 2060/19 2060/20 2060/25 2061/3 2062/20 2064/5 2069/8 2069/10 2069/14 2069/17 2070/7 2070/15 2070/17 2071/11 2071/20 2072/8 2074/14 2075/17 2076/16 2078/1 2079/7 2079/12 2081/17 2083/19 2083/21 2083/22 2084/10 2084/18 2085/6 2085/9 2085/16 2086/5 2086/14 2086/15 2086/22 2087/3 2088/14 2088/20 2090/18 2090/23 2092/21 2095/22 2096/24 2097/10 2097/21 2098/25 2108/2 2113/4 2113/9 2113/10 2113/16 2113/22 2114/22 2115/8 2115/11 2119/25 least [8] 1972/3 1983/11 1991/24 2008/17 2018/3 2064/22 2130/13 2133/3 lecture [2] 2029/12 2029/15 led [3] 2033/6 2059/21 2066/6 left [2] 2026/22 2102/9 legal [5] 2001/23 2004/17 2122/18 2128/6 2128/8 leisure [2] 2068/13 2068/15 less [15] 1968/3 1983/5 2038/19 2043/15 2058/10 2060/15 2072/15 2076/8 2105/9 2112/25 2119/8 2121/14 2127/9 2129/16 2130/5 let [11] 1971/23 1978/22 1989/3 2011/19 2045/22 2047/24 2053/17 2093/15 2102/15 2107/11 2134/9 let's [8] 1979/11 2029/22 2034/17 2051/20 2056/17 2105/2 2120/10 2127/1 lets [5] 1965/16 1985/1 1996/18 2002/9 2002/10 letters [3] 2033/3 2056/24 2061/12 level [21] 1972/21 1974/7 1977/16 1977/18 1990/16 2009/24 2010/12 2018/14 2034/14 2056/18 2072/1 2075/24 2076/7 2083/15 2085/12 2087/1 2095/25 2096/14 2101/14 2102/21 2125/5 levels [2] 2085/14 2086/18 lies [1] 2097/16 life [6] 1972/18 2009/25 2019/7 2056/5 2081/18 2084/14 life-long [1] 1972/18 lifespan [1] 2027/17 light [1] 2133/18 like [25] 1969/4 1970/9 1971/4 1973/13 1984/5 1986/24 1993/8 1993/16 1993/21 2008/1 2008/8 2008/12 2009/19 2036/24 2068/22 2071/5 2081/18 2089/10 2097/3 2106/14 2130/19 2133/1 2133/2 2133/20 2135/18 likelihood [1] 1978/2 likely [14] 1987/23 1991/14 2001/23 2039/18 2042/11 2042/12 2073/24 2086/9 2088/4</p>	<p>limitation [1] 2089/15 limitations [5] 2089/8 2089/10 2091/14 2092/7 2092/9 limited [1] 2083/13 line [12] 1970/25 1979/17 2005/25 2025/8 2037/20 2037/21 2046/17 2046/18 2093/10 2108/10 2108/18 2112/12 lines [7] 1987/7 1995/2 2048/5 2048/7 2080/25 2118/11 2118/12 linked [1] 2079/18 list [5] 1979/17 1992/7 1992/8 1996/2 2054/14 listed [1] 1992/20 listing [1] 1986/2 lists [1] 2136/8 literacy [1] 2077/12 literate [1] 2077/10 literature [10] 1982/10 1982/15 1983/17 1987/14 1987/25 1989/13 1994/19 2003/1 2115/25 2128/3 little [20] 1981/12 1988/6 1989/10 2007/19 2013/8 2013/15 2021/2 2037/10 2038/3 2047/5 2047/8 2051/5 2058/10 2067/21 2070/23 2080/6 2081/7 2112/21 2122/3 2125/4 living [4] 1974/12 2055/14 2067/18 2067/19 lobes [1] 2055/15 local [1] 2071/1 logical [1] 2054/12 London [1] 2097/3 long [6] 1972/18 1973/23 1974/14 1984/18 2108/2 2132/4 long-term [2] 1984/18 2108/2 longer [5] 1984/14 2008/25 2015/7 2107/23 2120/14 longitudinal [3] 2106/12 2106/22 2106/24 look [89] 1966/8 1966/25 1969/12 1971/6 1974/19 1976/22 1979/16 1979/19 1979/20 1983/14 1984/2 1986/20 2001/5 2009/19 2016/10 2020/9 2023/5 2024/19 2032/1 2036/20 2038/4 2041/20 2043/18 2043/20 2043/22 2044/11 2044/23 2046/14 2047/2 2047/15 2048/16 2049/21 2051/20 2053/14 2056/17 2062/17 2063/22 2063/23 2064/1 2066/13 2073/1 2074/25 2075/11 2076/16 2077/18 2081/2 2085/1 2088/8 2088/17 2090/10 2091/3 2094/13 2094/19 2094/23 2095/19 2096/1 2096/17 2096/22 2096/24 2097/2 2097/3 2097/5 2098/6 2098/6 2101/21 2101/25 2105/2 2105/3 2108/13 2108/19 2108/20 2110/21 2111/3 2113/2 2113/20 2114/10 2115/13 2115/18 2115/20 2116/1 2122/5 2122/12 2122/19 2124/11 2124/12 2124/13 2124/21 2131/6 2131/17 looked [14] 1991/15 2001/3 2010/6 2045/16 2045/17 2063/20 2064/3 2074/16 2074/24 2080/3 2089/20 2091/11 2103/19 2117/6 looking [34] 1974/3 1979/1 1999/15 2012/9 2012/10 2032/14 2035/4 2037/8 2037/15 2048/1 2053/3 2057/11 2061/8 2064/7 2069/21 2073/23 2076/5 2076/5 2077/20 2079/22 2079/24 2094/7 2096/3 2096/4 2098/4 2099/19 2101/4 2108/7 2108/11 2109/17 2113/11 2114/9 2116/19 2122/13 looks [2] 2081/18 2130/1 looms [1] 2106/22 LORETTA [1] 1963/13 losing [1] 2095/16 lot [12] 1993/10 1993/24 2008/18 2024/5 2030/6 2035/10 2052/21 2056/9 2056/9 2057/15 2119/20 2134/24 lots [1] 1987/25 loud [1] 2061/7</p>	<p>low [41] 1992/3 1992/23 1993/4 1994/16 1994/9 1998/2 2018/7 2032/4 2025/1 2025/11 2035/2 2040/9 2042/6 2042/6 2042/12 2042/12 2046/22 2047/13 2047/17 2050/25 2051/1 2054/6 2054/20 2054/25 2057/2 2057/6 2059/21 2060/23 2062/13 2071/17 2072/1 2086/5 2086/19 2086/21 2095/10 2097/23 2120/25 2121/16 2128/10 2129/7 2129/9 low-average [4] 2062/13 2086/19 2086/21 2095/10 lower [16] 1986/10 1987/15 2000/24 2001/22 2016/21 2020/22 2034/20 2054/23 2057/8 2075/13 2083/1 2083/2 2083/5 2086/18 2100/1 2100/13 lowest [4] 2044/20 2058/14 2061/6 2061/8 LSAT [1] 2076/2 LYNCH [1] 1963/13</p> <h2>M</h2> <p>m's [1] 2088/17 M-a-p-o-u [1] 2026/19 made [17] 1969/18 1989/14 2000/12 2000/23 2038/5 2064/2 2076/20 2085/16 2092/20 2092/23 2093/5 2101/24 2104/2 2108/15 2115/12 2124/6 2124/8 mail [2] 2006/7 2006/10 mails [3] 2006/4 2006/17 2077/9 maintain [1] 1997/4 maintains [1] 2040/15 major [2] 2083/11 2131/19 majority [3] 1993/10 1999/5 2050/25 make [27] 1974/8 1981/24 1982/3 1983/4 2003/3 2014/3 2016/10 2024/10 2037/3 2038/7 2045/19 2055/13 2062/15 2064/11 2065/7 2065/11 2072/14 2077/22 2086/1 2092/14 2108/5 2110/22 2110/22 2117/9 2122/10 2122/21 2130/24 makes [5] 2047/5 2047/7 2062/18 2087/6 2095/2 making [6] 2056/1 2093/7 2095/17 2109/23 2120/18 2128/7 maladaptive [5] 2023/7 2023/10 2023/17 2024/8 2025/10 males [1] 2118/14 malinger [1] 1995/12 malingered [1] 1995/17 malingerer [1] 1995/12 malinering [18] 1993/2 1993/4 1993/12 1993/15 1993/18 1993/21 1994/3 1994/5 1994/7 1994/9 1994/10 1996/3 2015/20 2015/21 2015/24 2016/17 2016/23 2016/24 malleability [2] 1972/16 1974/3 man [5] 2023/15 2071/10 2071/23 2072/2 2072/6 manifestation [1] 2069/22 manner [1] 2130/15 manual [10] 1978/14 1989/15 1998/15 1998/18 2044/6 2069/3 2091/13 2129/3 2133/20 2133/23 Manufacturers [1] 1989/22 many [23] 1990/19 1999/21 2032/23 2040/4 2042/2 2045/18 2047/20 2050/5 2050/24 2050/24 2052/5 2055/10 2059/15 2062/12 2062/12 2066/7 2066/7 2071/5 2073/10 2077/23 2078/4 2107/17 2124/18 Mapou [12] 2026/11 2026/14 2026/19 2027/5 2027/23 2028/15 2030/6 2031/23 2034/8 2050/17 2051/10 2117/22 Mark [1] 2004/5 marked [7] 1997/10 2005/12 2048/12 2126/13 2133/22 2137/9 2137/13 Maryland [1] 2027/11 master's [1] 2028/5</p>
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<p> matches [1] 1989/20 material [4] 2006/3 2075/19 2076/4 2134/25 materials [1] 2058/19 math [2] 2036/9 2054/18 mathematics [4] 2030/12 2078/18 2078/25 2085/13 Matrices [1] 2099/9 matrix [6] 2038/11 2049/6 2050/3 2050/6 2099/7 2103/13 matter [6] 1971/10 2002/10 2002/11 2004/18 2071/8 2127/20 maximal [1] 2092/6 maximum [1] 2091/25 may [83] 1969/23 1969/24 1970/9 1971/4 1971/6 1971/20 1972/9 1972/17 1973/5 1975/6 1975/6 1977/14 1978/17 1978/17 1992/3 1995/19 1997/1 1997/4 2004/7 2004/9 2006/22 2010/12 2013/4 2013/5 2013/7 2013/13 2018/17 2018/18 2023/1 2025/21 2026/8 2026/20 2030/3 2030/22 2031/19 2048/24 2050/8 2053/11 2057/15 2058/25 2059/18 2059/19 2059/20 2060/5 2068/18 2068/22 2069/19 2069/19 2070/18 2073/6 2074/8 2078/14 2081/4 2084/3 2084/10 2084/14 2086/11 2087/7 2088/20 2088/21 2088/24 2089/11 2090/14 2090/15 2092/16 2097/2 2097/20 2098/17 2101/7 2101/16 2106/13 2106/23 2106/25 2111/23 2111/23 2112/3 2112/9 2112/25 2119/2 2119/5 2119/9 2126/8 2132/8 maybe [9] 1970/9 1970/11 1994/6 2006/20 2007/19 2071/14 2087/10 2088/24 2120/2 MAYERLIN [1] 1964/9 McGOVERN [3] 1963/14 1965/10 2136/11 me [62] 1971/23 1974/21 1975/13 1978/22 1980/13 1984/5 1988/9 1989/3 1991/21 1992/3 1992/14 1994/11 2001/11 2001/14 2001/18 2011/11 2011/18 2013/19 2020/3 2024/6 2032/10 2045/4 2045/22 2047/24 2051/14 2053/17 2053/23 2064/2 2070/16 2070/23 2071/10 2071/13 2071/16 2072/25 2073/2 2075/11 2076/18 2085/17 2087/12 2088/22 2089/21 2090/3 2091/20 2092/24 2093/15 2095/13 2097/25 2102/15 2105/22 2107/11 2108/24 2110/1 2111/2 2113/11 2114/12 2118/3 2121/2 2125/6 2130/21 2131/10 2132/16 2134/9 mean [47] 1975/11 1975/12 1976/9 1977/2 1977/25 1980/24 1982/5 1983/8 1983/11 1983/13 1986/1 1999/8 1999/10 2000/3 2000/6 2001/2 2001/3 2001/7 2001/9 2001/10 2014/11 2016/1 2016/3 2016/4 2016/4 2018/24 2020/25 2024/6 2025/2 2025/5 2031/6 2034/16 2057/15 2057/18 2088/1 2110/3 2118/12 2118/16 2118/25 2119/6 2122/11 2122/12 2127/19 2129/4 2129/6 2129/6 2129/9 meaning [3] 1971/4 2013/18 2116/16 means [12] 1970/7 1972/20 1972/21 1979/15 2035/12 2041/2 2057/21 2081/14 2089/8 2105/5 2114/4 2116/15 meant [3] 1979/23 2122/4 2122/6 measure [41] 1975/5 1984/14 1984/16 2001/3 2035/14 2035/17 2035/20 2035/21 2035/23 2036/5 2037/19 2038/12 2042/18 2042/20 2043/6 2045/2 2054/14 2054/15 2057/4 2057/7 2058/8 2059/2 2059/3 2075/1 2087/9 2096/16 2096/18 2097/3 2097/25 2098/15 2098/21 2099/4 2099/5 2099/18 2107/23 2107/25 2112/3 2112/9 2112/10 2112/14 2112/15 measured [3] 1989/6 1991/2 2090/6 </p>	<p> measures [54] 1989/8 2001/4 2010/22 2012/12 2030/25 2031/4 2031/10 2031/6 2036/5 2036/7 2036/9 2037/10 2037/13 2038/3 2040/8 2041/12 2041/25 2041/25 2043/9 2044/12 2044/14 2044/16 2044/22 2044/22 2047/19 2053/18 2053/19 2054/1 2054/3 2054/4 2054/10 2054/12 2054/16 2054/19 2054/21 2055/1 2056/20 2058/5 2058/5 2058/7 2058/7 2058/11 2058/12 2061/4 2061/4 2061/6 2063/22 2075/4 2075/25 2097/12 2097/12 2097/17 2119/24 2120/17 measuring [4] 1989/11 2035/24 2094/10 2121/24 mechanical [2] 1964/15 2120/20 mediated [1] 2018/2 Medical [1] 2028/9 meet [4] 2015/12 2074/23 2092/25 2093/1 meets [2] 2076/10 2078/6 member [1] 2012/2 members [1] 2133/9 memory [25] 1984/18 2018/16 2018/22 2042/23 2043/14 2044/17 2044/18 2054/1 2054/4 2054/4 2054/11 2054/12 2054/13 2054/15 2054/21 2054/22 2054/22 2056/10 2058/6 2058/13 2060/23 2061/1 2097/11 2097/12 2108/2 men [1] 2075/16 meninges [1] 2081/13 meningitis [9] 2081/5 2081/8 2081/9 2081/10 2081/12 2081/17 2081/19 2081/23 2082/2 mental [51] 1968/6 1969/10 1969/18 1969/19 1969/21 1970/7 1970/10 1984/17 1994/16 2005/23 2013/2 2013/9 2013/15 2013/20 2014/21 2017/2 2018/12 2019/5 2019/5 2024/20 2030/18 2034/23 2038/4 2040/10 2049/23 2065/8 2070/2 2084/18 2085/9 2085/12 2085/15 2099/24 2100/3 2100/15 2108/1 2115/22 2116/3 2116/11 2117/23 2118/22 2119/8 2123/8 2123/23 2124/8 2127/20 2128/3 2128/12 2128/16 2128/19 2128/23 2129/12 mentally [12] 2017/22 2017/24 2025/9 2042/24 2114/13 2115/20 2116/21 2119/4 2127/23 2127/24 2128/10 2129/1 mention [4] 1991/24 1992/1 2026/22 2084/17 mentioned [10] 1981/8 1991/14 2017/1 2035/9 2040/24 2042/19 2069/12 2070/4 2110/23 2132/20 merely [1] 2052/12 merits [1] 2127/17 met [6] 2069/1 2074/7 2074/8</p>
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<p>M</p> <p>Mr.... [4] 2135/13 2136/4 2136/11 2136/12</p> <p>Mr. Burt [8] 1965/17 2006/4 2006/7 2015/15 2016/25 2019/1 2136/4 2136/12</p> <p>Mr. McGovern [1] 2136/11</p> <p>Mr. Stern [4] 1965/14 2131/10 2132/22 2135/13</p> <p>Mr. Wilson [43] 1965/14 1980/3 1991/16 1991/18 1992/22 1994/4 1994/7 2007/10 2008/3 2010/10 2011/11 2011/25 2013/18 2014/9 2015/11 2015/13 2019/3 2024/4 2032/4 2032/13 2032/23 2033/15 2034/22 2035/1 2046/21 2049/8 2056/14 2057/8 2058/17 2059/17 2063/15 2064/25 2065/22 2068/6 2073/21 2074/12 2076/17 2080/22 2081/9 2109/10 2127/23 2129/8 2129/21</p> <p>Mr. Wilson's [17] 1992/16 2017/25 2024/11 2034/21 2038/25 2040/8 2040/18 2046/18 2053/23 2060/23 2063/6 2083/2 2112/3 2129/2 2130/2 2130/8 2130/13</p> <p>MRI [1] 2079/22</p> <p>MS [1] 2062/1</p> <p>Ms. [2] 2085/17 2136/11</p> <p>Ms. Cohen [2] 2085/17 2136/11</p> <p>much [42] 1975/5 1982/24 1983/13 1988/18 1992/6 1992/11 1993/14 1993/20 1995/21 1999/19 2001/9 2001/10 2007/12 2007/21 2008/2 2011/25 2018/19 2020/22 2036/15 2036/17 2041/12 2047/12 2048/18 2056/12 2057/13 2065/21 2071/15 2071/16 2072/8 2076/18 2076/24 2080/12 2080/14 2083/1 2083/2 2083/5 2086/20 2111/7 2111/11 2117/10 2131/10 2131/15</p> <p>MUI [1] 1964/7</p> <p>multiple [6] 1982/19 2057/23 2058/3 2071/11 2072/8 2099/16</p> <p>mundane [1] 2135/14</p> <p>must [6] 2072/2 2128/4 2128/7 2128/15 2129/7 2129/10</p> <p>mutual [1] 2135/7</p> <p>my [65] 1975/19 1975/22 1981/1 1983/11 1986/22 1989/24 1992/1 1992/13 1992/20 1993/14 1997/17 1998/25 2000/7 2000/8 2000/11 2015/9 2015/14 2019/6 2020/19 2020/23 2020/24 2021/17 2023/4 2027/18 2028/5 2031/25 2032/16 2032/23 2035/8 2040/7 2045/16 2046/25 2050/23 2051/14 2051/25 2055/6 2056/2 2063/25 2069/21 2072/2 2072/25 2073/2 2074/13 2074/14 2074/17 2074/22 2077/13 2078/3 2079/16 2080/10 2083/11 2083/23 2084/11 2086/3 2088/3 2089/24 2094/3 2096/22 2097/24 2099/13 2111/3 2117/5 2124/9 2132/4 2132/4</p> <p>myself [2] 2051/17 2081/2</p>	<p>needed [5] 2011/21 2039/16 2071/21 2079/2 2132/21</p> <p>needs [1] 2136/9</p> <p>negative [2] 1993/12 1993/16</p> <p>neglected [1] 2005/3</p> <p>neither [1] 2037/23</p> <p>neuroimaging [3] 2079/22 2079/23 2080/2</p> <p>neurological [2] 1990/21 2027/20</p> <p>neurologically [2] 2076/15 2077/19</p> <p>neurologically-based [1] 2076/15</p> <p>neurologists [1] 2080/11</p> <p>Neurology [1] 1990/2</p> <p>neuropsychological [6] 2016/20 2031/1 2063/13 2079/2 2087/2 2120/17</p> <p>neuropsychologist [3] 2027/10 2027/13 2028/17</p> <p>neuropsychology [5] 1999/12 2028/1 2028/9 2029/18 2029/23</p> <p>never [8] 1986/19 2057/18 2083/9 2090/17 2090/23 2108/9 2114/8 2126/12</p> <p>nevertheless [1] 2064/11</p> <p>new [15] 1963/1 1963/16 1963/20 1963/20 1964/2 1964/2 1964/13 1970/8 1973/4 1996/15 2037/25 2038/3 2049/23 2102/4 2131/16</p> <p>newer [3] 1988/2 2036/8 2049/6</p> <p>newest [1] 2043/17</p> <p>next [21] 1973/19 1985/22 1988/10 2007/18 2012/19 2026/9 2054/10 2057/4 2057/7 2061/13 2078/9 2103/22 2104/6 2105/25 2107/4 2107/4 2120/24 2120/25 2123/5 2123/18 2123/19</p> <p>NGG [1] 1963/3</p> <p>nice [2] 2008/22 2052/23</p> <p>NICHOLAS [1] 1963/9</p> <p>night [1] 1966/7</p> <p>nine [5] 1974/22 1979/18 1981/4 2101/5 2121/14</p> <p>Ninth [1] 2129/22</p> <p>no [78] 1967/23 1974/25 1977/17 1978/16 1981/18 1983/16 1984/14 1984/20 1987/13 1988/21 1992/25 1996/8 1999/15 2000/15 2003/5 2005/9 2006/10 2012/11 2013/25 2014/12 2014/23 2017/23 2018/25 2019/6 2019/22 2022/14 2022/16 2024/1 2025/20 2034/24 2037/22 2046/6 2052/13 2056/3 2064/2 2067/25 2068/4 2069/4 2071/6 2071/7 2071/18 2079/19 2080/23 2081/20 2087/21 2089/17 2091/9 2095/2 2095/9 2098/3 2098/4 2099/10 2100/5 2100/16 2107/18 2107/23 2110/14 2110/15 2112/2 2114/8 2114/19 2114/21 2115/6 2120/14 2122/23 2124/15 2124/17 2126/5 2126/11 2126/16 2126/22 2126/25 2133/22 2134/13 2134/13 2134/14 2136/5 2136/7</p> <p>No. [1] 1967/6</p> <p>No. 81 [1] 1967/6</p> <p>nobody [1] 2077/3</p> <p>nonetheless [1] 2083/13</p> <p>nonexistent [1] 2119/5</p> <p>nonspecific [2] 2080/13 2082/6</p> <p>nonverbal [5] 2041/20 2097/6 2097/21 2099/5 2107/17</p> <p>norm [1] 1997/4</p> <p>normal [6] 2066/1 2075/4 2086/16 2097/14 2114/19 2117/4</p> <p>normative [2] 2010/21 2120/9</p> <p>norms [7] 1996/20 1996/25 1997/3 1997/9 1998/10 1998/19 2010/25</p> <p>Northington [5] 1993/1 1993/22 1993/23 1994/15 1995/5</p> <p>nose [1] 1999/4</p> <p>not [244]</p> <p>not-best-effort [1] 1996/3</p>	<p>note [2] 2034/4 2076/23</p> <p>nothing [6] 1973/12 1987/20 1996/4 2033/4 2100/18 2125/19</p> <p>notice [2] 2046/20 2047/12</p> <p>noticed [1] 2004/10</p> <p>notices [1] 2113/24</p> <p>notion [8] 1981/18 1982/19 2009/23 2012/9 2016/2 2016/12 2022/5 2061/8</p> <p>novel [12] 1980/25 1983/6 1984/15 2049/8 2049/24 2050/13 2055/20 2056/5 2102/4 2107/24 2108/8 2110/11</p> <p>novelty [11] 1981/10 1982/1 1982/4 1982/6 1982/7 1983/3 1983/10 1983/12 2048/22 2102/5 2108/6</p> <p>now [88] 1969/20 1969/23 1970/5 1972/21 1977/2 1980/20 1986/20 1986/23 1987/1 1988/18 1991/15 1992/14 1994/5 1996/14 1999/11 2000/17 2006/1 2006/5 2006/9 2007/9 2014/3 2020/25 2021/2 2021/5 2021/10 2022/20 2023/5 2023/18 2023/21 2024/18 2025/24 2026/1 2029/3 2029/12 2030/16 2032/25 2034/3 2035/9 2036/2 2036/8 2037/11 2037/25 2038/11 2040/5 2040/17 2041/6 2042/22 2043/20 2044/16 2047/2 2047/15 2047/16 2047/24 2048/1 2049/3 2049/8 2051/5 2053/3 2055/2 2056/17 2056/21 2058/4 2059/3 2060/16 2073/18 2074/19 2076/12 2077/2 2078/20 2082/16 2084/17 2086/18 2087/6 2088/7 2089/24 2098/20 2100/24 2101/18 2111/7 2111/25 2117/14 2119/10 2120/14 2121/21 2123/2 2123/19 2127/10 2130/14</p> <p>nuanced [1] 1969/25</p> <p>number [24] 1968/9 1970/18 1975/16 1977/17 1986/1 1990/13 1994/1 1994/2 1997/2 2005/16 2007/5 2011/15 2011/16 2017/23 2018/15 2035/2 2037/16 2060/18 2060/22 2073/3 2078/1 2086/10 2090/25 2131/2</p> <p>numbers [3] 2045/17 2045/17 2045/18</p> <p>O</p> <p>O-c-c-a-m's [1] 2088/17</p> <p>O-l-l-i-e [1] 2014/20</p> <p>oath [1] 1965/20</p> <p>obeying [1] 2067/2</p> <p>object [6] 1969/14 1986/17 2004/4 2005/25 2037/9 2043/4</p> <p>objection [33] 1969/15 1970/15 1971/2 1971/7 1977/24 1978/6 1979/9 1984/24 1995/24 2000/14 2004/13 2004/15 2005/5 2005/9 2005/11 2006/3 2006/13 2006/14 2006/19 2014/15 2014/23 2014/25 2029/21 2030/3 2046/5 2046/9 2100/6 2126/15 2126/18 2130/25 2133/23 2133/25 2134/3</p> <p>objections [1] 1997/22</p> <p>objects [1] 2056/25</p> <p>observation [3] 2002/12 2008/20 2040/7</p> <p>observations [2] 2012/14 2074/17</p> <p>observe [1] 2009/10</p> <p>observed [1] 2003/24</p> <p>obsolescence [2] 1998/11 1998/19</p> <p>obtained [4] 1972/4 1992/19 2071/1 2102/20</p> <p>obvious [4] 1977/7 2036/24 2048/16 2083/7</p> <p>obviously [3] 2036/10 2066/24 2121/17</p> <p>Occam's [1] 2088/16</p> <p>occasion [2] 2070/20 2070/21</p> <p>occasionally [1] 2072/11</p> <p>occasions [1] 2035/2</p> <p>occur [2] 2001/23 2049/2</p> <p>occurred [1] 2025/14</p> <p>occurs [2] 2030/12 2101/8</p> <p>October [1] 1995/4</p>
<p>N</p> <p>N.Y [1] 1963/5</p> <p>N357 [1] 1964/12</p> <p>Nagler [1] 2129/20</p> <p>name [6] 1968/15 1968/19 2026/18 2026/19 2056/24 2059/7</p> <p>names [3] 1989/19 2083/24 2083/25</p> <p>naming [7] 2056/21 2056/22 2056/23 2059/2 2059/6 2059/15 2059/22</p> <p>narrow [4] 1976/7 2010/14 2010/23 2030/24</p> <p>National [3] 1968/6 1968/21 1969/10</p> <p>nature [4] 1969/1 2025/10 2027/21 2043/16</p> <p>necessarily [6] 1988/21 2010/20 2011/4 2017/24 2018/24 2025/2</p> <p>need [19] 1979/3 1980/9 2002/12 2002/13 2014/5 2020/12 2020/15 2034/6 2041/4 2041/10 2041/15 2041/15 2041/17 2055/22 2059/14 2064/16 2115/8 2126/11 2132/12</p>		

<p>October 18 [1] 1995/4 odd [1] 1974/4 off [18] 1981/11 1982/2 1982/4 1982/5 1982/6 1982/7 1983/4 1983/10 1983/12 1989/24 2000/7 2048/23 2068/22 2085/23 2085/24 2086/1 2087/7 2087/21 offer [4] 2014/13 2029/17 2045/10 2046/3 offered [3] 1986/20 2082/5 2126/12 offering [2] 2015/7 2015/13 office [4] 1963/22 1964/1 2071/24 2072/2 often [18] 2032/25 2040/9 2044/12 2044/20 2054/23 2057/1 2059/10 2061/2 2078/21 2081/10 2083/18 2089/11 2090/20 2096/23 2098/12 2112/15 2114/4 2125/8 oh [6] 1970/6 1982/4 1989/16 1997/16 2026/21 2046/3 okay [96] 1966/6 1966/24 1967/9 1967/19 1969/2 1969/12 1971/18 1977/8 1978/22 1980/19 1981/23 1982/11 1983/1 1984/21 1989/25 1990/7 1995/14 1996/10 1996/12 2001/16 2001/19 2002/22 2003/10 2003/16 2005/5 2007/8 2009/18 2010/3 2013/17 2014/6 2016/25 2020/13 2023/3 2025/18 2025/19 2036/4 2038/22 2041/24 2043/25 2047/2 2053/16 2060/16 2063/17 2064/14 2067/7 2068/3 2069/5 2069/25 2070/19 2072/16 2072/24 2073/17 2074/1 2082/15 2082/21 2083/7 2084/22 2085/6 2085/19 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2068/9 over [50] 1982/6 1994/1 1997/1 1999/25 2002/5 2005/18 2008/9 2008/20 2009/10 2029/22 2031/21 2032/4 2032/12 2036/14 2041/6 2046/18 2046/19 2047/9 2047/10 2048/10 2048/23 2051/5 2055/16 2056/6 2060/23 2063/15 2071/25 2077/13 2083/8 2083/13 2090/2 2101/12 2101/19 2101/19 2102/2 2105/9 2109/4 2109/4 2109/24 2120/4 2120/8 2120/9 2120/19 2120/19 2123/18 2123/19 2125/3 2127/1 2127/11 2135/20 overall [24] 1979/22 1991/11 1996/5 1996/8 2001/2 2030/22 2088/25 2089/3 2089/15 2089/17 2091/12 2095/4 2095/9 2095/10 2095/17 2096/10 2096/18 2096/22 2098/19 2118/12 2118/15 2118/15 2118/19 2124/23 overarching [1] 1998/24 overestimate [1] 2102/21 overestimates [1] 2109/14 overlap [4] 2016/1 2066/13 2070/1 2079/6 overnight [1] 1967/22 overreliance [1] 2098/10 overrule [1] 2006/18 oversight [2] 1967/23 2083/11 overstatement [1] 1979/6 overt [1] 2013/4 own [18] 1975/17 2002/6 2024/10 2027/18 2033/10 2035/8 2045/16 2051/14 2051/25 2058/18 2058/19 2077/2 2078/5 2079/12 2080/24 2083/25 2088/7 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parents [2] 2067/22 2071/19 parse [3] 1976/24 2008/10 2024/24 parsimonious [1] 2088/18 parsing [1] 2020/8</p>
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<p>P</p> <p>part [20] 1986/18 1993/11 1996/1 1996/2 2004/22 2028/8 2032/12 2037/11 2039/1 2040/8 2050/14 2055/15 2056/22 2065/14 2065/20 2069/12 2078/22 2094/20 2094/23 2097/17</p> <p>parte [1] 2132/20</p> <p>particular [19] 1968/20 1999/5 1999/23 1999/25 2000/6 2011/5 2034/21 2036/25 2043/25 2054/22 2057/9 2065/24 2079/25 2080/5 2090/12 2090/13 2099/14 2127/18 2128/12</p> <p>particularly [16] 1976/15 1980/1 1980/24 2021/20 2024/3 2035/7 2048/12 2067/16 2075/7 2075/16 2076/8 2081/21 2084/15 2108/8 2121/6 2123/6</p> <p>parties [3] 2019/3 2127/12 2130/14</p> <p>parts [2] 2044/25 2055/16</p> <p>party [1] 2134/22</p> <p>past [5] 2036/15 2037/2 2037/9 2072/4 2086/14</p> <p>pathological [1] 2060/3</p> <p>pathologist [2] 2083/10 2084/16</p> <p>patients [2] 2070/14 2114/14</p> <p>pattern [21] 1986/15 1988/4 2023/17 2030/22 2038/16 2039/9 2040/1 2040/5 2069/13 2088/25 2089/3 2089/17 2091/12 2096/22 2097/22 2114/1 2114/9 2114/13 2114/17 2123/7 2123/21</p> <p>patterns [3] 2113/4 2115/13 2124/21</p> <p>pause [2] 1992/14 1994/11</p> <p>pay [1] 2076/21</p> <p>paying [1] 2093/12</p> <p>peers [6] 2066/15 2083/6 2120/4 2120/5 2120/8 2120/15</p> <p>penalty [4] 2132/1 2132/3 2132/9 2132/10</p> <p>Pennsylvania [2] 1993/1 1995/6</p> <p>people [46] 1994/16 1995/11 1999/4 1999/5 2008/23 2011/24 2013/2 2019/21 2025/8 2027/20 2031/11 2033/3 2033/5 2039/20 2041/10 2041/14 2041/21 2041/24 2044/20 2055/12 2057/1 2059/9 2059/9 2059/10 2059/11 2061/2 2065/23 2070/14 2070/16 2072/14 2074/21 2077/18 2083/15 2083/19 2084/6 2084/9 2084/10 2086/14 2089/9 2089/10 2097/21 2107/15 2107/19 2115/22 2120/6 2120/21</p> <p>Pepperdine [1] 2052/24</p> <p>per [4] 1976/17 2002/2 2044/5 2112/23</p> <p>perceive [1] 2043/3</p> <p>perceiving [1] 2094/25</p> <p>percent [11] 1966/2 1966/14 1966/15 1966/18 1967/14 2000/5 2086/9 2086/9 2113/25 2113/25 2114/2</p> <p>percentage [1] 1993/17</p> <p>percentile [4] 2052/7 2086/23 2088/5 2111/5</p> <p>perceptual [24] 2037/12 2040/24 2043/2 2043/10 2044/1 2044/9 2047/10 2047/15 2047/16 2047/21 2048/6 2048/6 2048/11 2048/17 2048/20 2049/2 2075/2 2094/15 2096/20 2096/25 2097/15 2113/5 2113/24 2119/23</p> <p>perfectly [1] 2075/4</p> <p>perform [3] 2016/5 2016/21 2093/8</p> <p>performance [70] 1980/5 1980/6 1980/11 1980/21 1980/23 1984/11 1984/13 1988/23 1990/9 1991/1 1992/23 2009/11 2035/11 2036/13 2038/23 2039/1 2039/4 2041/6 2041/18 2041/23 2041/25 2042/15 2042/16 2043/1 2047/9 2048/5 2048/11 2048/20 2086/19 2091/23 2091/25 2092/1 2092/6 2095/24 2098/7 2098/8 2100/1 2100/13 2101/1 2101/15 2107/12 2107/22 2109/4</p>	<p>2109/5 2109/7 2109/17 2109/19 2109/19 2112/7 2154/1 2161/1 2161/15 2162/2 2118/17 2118/19 2118/20 2118/23 2118/25 2119/1 2119/4 2119/7 2119/22 2121/7 2121/13 2121/17 2123/7 2123/22 2124/19 2130/6 2130/11</p> <p>performed [3] 2039/18 2041/21 2075/20</p> <p>performing [1] 2079/25</p> <p>perhaps [12] 1996/7 2015/16 2017/15 2017/16 2042/7 2046/23 2048/14 2051/18 2068/23 2071/21 2072/14 2100/22</p> <p>period [20] 1975/6 2007/20 2008/9 2008/21 2009/6 2009/10 2010/7 2010/7 2010/24 2011/7 2011/8 2011/12 2011/14 2012/3 2020/14 2050/10 2065/1 2074/9 2077/25 2103/2</p> <p>periodic [1] 1997/2</p> <p>periods [1] 2012/10</p> <p>permitting [1] 2127/6</p> <p>persist [1] 2075/15</p> <p>persists [1] 2084/14</p> <p>person [20] 1987/21 2012/14 2016/21 2018/15 2018/18 2024/15 2059/5 2079/25 2082/24 2088/4 2092/1 2092/24 2095/6 2095/10 2096/21 2096/23 2097/6 2099/14 2102/23 2129/1</p> <p>person's [9] 1977/14 2011/23 2023/10 2030/14 2085/14 2093/7 2095/3 2096/12 2102/21</p> <p>personality [1] 2023/18</p> <p>personally [1] 2082/18</p> <p>perspectives [1] 2004/1</p> <p>persuasive [1] 2130/16</p> <p>pertinent [1] 2127/13</p> <p>pervasive [8] 2030/21 2064/6 2069/13 2071/13 2072/9 2088/23 2089/1 2090/4</p> <p>pet [11] 1992/9 2080/6 2080/7 2080/8 2080/9 2080/24 2081/4 2082/3 2082/5 2082/13 2083/25</p> <p>PH.D [1] 2026/14</p> <p>phase [1] 2132/3</p> <p>PhD [1] 2028/5</p> <p>phenomena [1] 2130/1</p> <p>phenomenon [2] 1999/18 1999/19</p> 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2026/12</p>	<p>2026/17 2030/8</p> <p>pos [1] 2078/2</p> <p>point [45] 1966/23 1969/16 1976/22 1985/4 1986/10 1987/15 1991/5 1993/8 1997/16 1998/24 1999/2 2001/14 2002/4 2002/9 2004/13 2009/9 2019/17 2020/3 2021/13 2021/14 2022/2 2023/22 2024/7 2024/9 2047/6 2074/22 2077/7 2082/22 2083/23 2087/1 2087/10 2087/12 2094/6 2101/24 2103/12 2106/14 2107/15 2108/5 2109/23 2111/18 2115/12 2115/21 2117/9 2124/6 2133/6</p> <p>pointed [1] 2076/14</p> <p>pointing [2] 2036/18 2122/9</p> <p>points [12] 1987/18 1990/13 1999/24 2040/3 2040/4 2095/20 2096/2 2102/19 2118/21 2119/1 2121/14 2124/14</p> <p>policy [3] 1969/23 1970/9 1973/12</p> <p>poll [1] 1999/14</p> <p>poor [5] 1993/16 2009/24 2010/1 2016/15 2068/19</p> <p>popularly [2] 2033/4 2033/5</p> <p>population [1] 2011/2</p> <p>populations [3] 1986/11 1990/21 2116/23</p> <p>port [1] 2057/18</p> <p>portion [5] 1969/9 2057/17 2123/2 2130/6 2132/10</p> <p>portions [3] 2116/13 2116/16 2127/13</p> <p>position [5] 1978/13 1981/16 2020/6 2111/24 2130/9</p> 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2111/20 2111/22 2112/1 2112/6 2119/11 2119/12 2119/15 2119/18 2120/2 2120/20 2121/3 2121/10 2121/18 2124/15 2124/24 2125/14 2129/25 2130/10 2130/11</p> <p>practicing [1] 2073/13</p> <p>practitioners [2] 2003/18 2070/11</p> <p>pre [2] 2074/9 2077/25</p> <p>pre-18 [2] 2074/9 2077/25</p> <p>precise [3] 1975/5 1975/7 2002/10</p> <p>precisely [1] 2128/24</p> <p>predecessor [1] 1990/21</p> <p>predict [1] 2112/19</p> <p>predicting [1] 1975/14</p> <p>predictive [2] 2112/24 2112/25</p> <p>predictor [5] 1975/4 1977/10 1977/12 1977/15 1977/18</p>
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<p>P</p> <p>predictors [2] 1974/23 1974/23</p> <p>prefer [1] 2025/25</p> <p>premarked [2] 1969/3 2006/24</p> <p>premature [3] 1991/3 1991/4 2001/15</p> <p>preparation [1] 2130/20</p> <p>prepare [1] 2045/6</p> <p>preparing [2] 2005/17 2136/13</p> <p>presence [1] 2030/12</p> <p>present [12] 1964/6 1965/14 1965/15 1989/6 2026/7 2033/7 2070/17 2073/24 2084/13 2114/13 2130/15 2132/19</p> <p>presentation [1] 2013/4</p> <p>presented [3] 1987/2 2050/24 2111/15</p> <p>presume [3] 1968/11 2048/23 2129/17</p> <p>presumed [1] 2016/6</p> <p>presumes [1] 1970/15</p> <p>pretty [17] 1977/7 1982/5 1982/24 1993/20 1995/21 2000/2 2018/1 2020/23 2071/16 2076/19 2077/10 2080/14 2095/11 2097/13 2111/7 2111/11 2114/2</p> <p>previous [1] 2049/7</p> <p>previously [2] 1965/4 2015/20</p> <p>primary [1] 2063/24</p> <p>prime [2] 2080/9 2080/25</p> <p>principles [1] 2128/14</p> <p>printed [2] 2037/8 2038/5</p> <p>prior [4] 2020/25 2020/25 2079/7 2131/24</p> <p>probable [1] 2077/21</p> <p>probably [9] 1972/22 1974/19 1974/22 1993/10 2066/22 2074/8 2077/25 2078/6 2116/16</p> <p>problem [17] 1984/15 2043/12 2053/19 2053/24 2055/19 2055/20 2055/23 2057/12 2070/18 2080/3 2080/4 2087/2 2096/13 2097/2 2097/7 2107/24 2134/17</p> <p>problem-solving [1] 2107/24</p> <p>problematic [1] 2000/7</p> <p>problematical [1] 1978/7</p> <p>problems [11] 2018/12 2027/20 2033/10 2033/13 2056/5 2059/12 2066/6 2078/20 2078/20 2083/7 2131/11</p> <p>procedure [2] 1999/13 2042/9</p> <p>proceed [1] 2030/3</p> <p>proceeding [1] 2004/20</p> <p>Proceedings [1] 1964/15</p> <p>process [5] 1974/6 2008/6 2016/14 2091/13 2092/8</p> <p>processing [9] 2043/7 2043/21 2044/14 2044/17 2047/18 2095/20 2115/14 2120/6 2120/17</p> <p>produce [3] 1987/15 1994/17 2006/12</p> <p>produced [2] 1986/10 2006/5</p> <p>Professional [1] 2028/2</p> <p>professionals [2] 2013/20 2078/4</p> <p>profile [31] 2031/3 2031/18 2032/17 2050/14 2061/9 2064/4 2071/12 2077/23 2079/6 2083/18 2083/20 2090/2 2096/21 2113/5 2113/18 2114/5 2115/18 2115/19 2115/23 2116/21 2116/22 2116/23 2116/25 2117/1 2118/18 2119/4 2119/8 2121/2 2124/4 2124/6 2124/23</p> <p>profiles [3] 2030/24 2116/19 2118/25</p> <p>program [1] 1967/13</p> <p>progress [1] 2056/2</p> <p>progressing [1] 2009/7</p> <p>progressive [16] 1981/4 1981/7 1981/15 1981/19 1982/19 1983/19 1983/23 1983/25 1983/25 1984/11 2099/8 2105/5 2105/8 2105/14 2105/17 2105/18</p> <p>progressively [2] 2023/16 2075/25</p> <p>prolonged [4] 2013/6 2013/17 2014/9 2014/11</p>	<p>prominent [1] 1998/14</p> <p>prompt [9] 2064/20 2106/2 2069/9 2064/1 2092/25 2093/2 2128/22 2128/24 2129/8</p> <p>prongs [1] 2063/20</p> <p>pronounced [1] 2021/12</p> <p>properly [1] 2129/17</p> <p>properties [1] 1986/4</p> <p>proposal [2] 2130/22 2132/23</p> <p>prorated [3] 2044/4 2044/7 2129/20</p> <p>prorating [2] 2129/19 2129/20</p> <p>prosecutors [1] 2002/23</p> <p>proverb [1] 2057/13</p> <p>proverbs [4] 2057/14 2057/19 2057/24 2058/2</p> <p>provide [5] 2030/8 2062/11 2127/14 2134/12 2136/10</p> <p>provided [4] 1997/10 2013/1 2032/9 2134/21</p> <p>provider [1] 1973/3</p> <p>providing [3] 2003/25 2005/18 2019/1</p> <p>proximal [1] 1975/5</p> <p>psychiatric [1] 2032/11</p> <p>Psychiatry [2] 2003/13 2099/21</p> <p>psychological [7] 1996/25 2010/2 2032/20 2052/2 2052/3 2101/10 2128/5</p> <p>Psychologists [1] 2083/24</p> <p>psychology [5] 2004/16 2014/22 2028/2 2028/5 2028/6</p> <p>psychometric [1] 2051/24</p> <p>psychomotor [1] 1990/18</p> <p>public [1] 1999/14</p> <p>publication [1] 2100/7</p> <p>publications [1] 1968/20</p> <p>published [4] 1968/19 1998/1 2029/3 2106/3</p> <p>pull [2] 2135/19 2135/23</p> <p>pulled [1] 1987/2</p> <p>pulling [1] 2122/15</p> <p>pure [3] 2043/9 2045/2 2048/17</p> <p>purely [3] 2076/9 2099/7 2101/20</p> <p>purser [2] 2044/12 2044/22</p> <p>purest [1] 2112/14</p> <p>purpose [4] 2011/19 2041/9 2051/12 2070/14</p> <p>purposes [6] 1989/11 2005/24 2014/21 2100/3 2100/15 2127/25</p> <p>pursuant [1] 2006/5</p> <p>pursued [1] 2071/25</p> <p>put [26] 1966/9 1986/21 1986/21 1992/5 2010/20 2038/21 2041/24 2042/3 2045/13 2045/15 2045/22 2045/23 2051/10 2051/14 2051/24 2051/25 2053/17 2064/7 2098/3 2098/22 2118/3 2133/23 2134/6 2134/11 2134/11 2135/3</p> <p>putting [13] 2031/14 2039/15 2046/1 2051/12 2057/21 2058/8 2061/11 2062/5 2062/9 2064/23 2065/3 2099/1 2134/24</p> <p>puzzle [6] 2037/10 2038/4 2038/4 2038/7 2038/12 2049/23</p> <p>puzzled [1] 2059/1</p> <p>puzzles [2] 2103/14 2107/18</p>	<p>questions [17] 1970/13 1985/9 2017/9 2019/22 2035/20 2035/22 2039/16 2040/19 2062/21 2097/7 2112/13 2117/13 2117/15 2119/12 2122/24 2132/25 2133/2</p> <p>quickly [3] 1982/8 1982/9 2056/25</p> <p>quiet [1] 2093/8</p> <p>QUINN [2] 1964/1 1964/3</p> <p>quite [13] 2018/6 2048/10 2048/22 2048/25 2054/21 2057/24 2060/19 2071/14 2077/12 2107/1 2111/6 2122/8 2126/5</p> <p>quotation [1] 2014/2</p> <p>quote [2] 1987/7 2107/9</p> <p>quoted [1] 1996/19</p> <p>quoting [2] 2082/22 2094/7</p>
		<p>R</p> <p>R-e-s-c-h-l-y [1] 1968/13</p> <p>Rack [1] 2113/21</p> <p>raise [4] 2026/12 2081/24 2132/21 2133/3</p> <p>raised [3] 1970/24 2006/9 2024/4</p> <p>raises [4] 1992/3 1992/9 2001/11 2077/13</p> <p>RAMIREZ [1] 1964/8</p> <p>range [44] 1966/21 1970/12 1994/18 1994/22 1994/22 1995/13 2000/25 2001/22 2002/2 2018/22 2018/23 2019/12 2022/7 2025/12 2027/20 2028/18 2030/21 2030/24 2035/3 2040/9 2040/14 2046/22 2047/13 2047/17 2047/22 2051/1 2051/3 2051/4 2051/18 2052/18 2054/20 2058/1 2060/11 2062/12 2062/14 2071/14 2071/15 2075/20 2079/11 2086/11 2086/19 2087/8 2096/24 2121/16</p> <p>ranges [2] 1994/22 2002/11</p> <p>ranging [2] 2040/3 2117/6</p> <p>rapid [4] 1972/2 1990/8 2056/23 2059/6</p> <p>rate [3] 1977/19 1977/23 2079/5</p> <p>rather [11] 1982/8 1982/9 2031/4 2043/18 2044/18 2051/15 2064/3 2064/5 2066/8 2092/1 2094/13</p> <p>rating [1] 2074/20</p> <p>rational [1] 2128/9</p> <p>Raven's [1] 2099/8</p> <p>raw [4] 1966/25 2126/13 2129/14 2129/15</p> <p>Razor [1] 2088/16</p> <p>reach [3] 2055/22 2074/11 2074/15</p> <p>read [40] 1970/18 1971/23 1990/2 1998/5 2000/13 2004/7 2005/22 2007/3 2046/22 2061/7 2068/24 2075/6 2075/8 2075/14 2075/21 2075/22 2075/23 2075/24 2077/4 2077/6 2077/7 2079/2 2082/18 2082/19 2082/20 2089/19 2089/21 2090/22 2091/18 2091/21 2099/15 2100/9 2100/11 2102/12 2106/14 2115/25 2118/6 2118/15 2121/25 2123/2</p> <p>reader [1] 2077/16</p> <p>reading [36] 1981/9 2016/4 2030/11 2031/7 2031/12 2033/1 2033/2 2057/1 2059/10 2059/11 2061/5 2061/6 2061/10 2070/6 2074/25 2075/15 2075/18 2075/18 2075/18 2076/25 2077/2 2078/20 2078/21 2084/5 2084/7 2084/8 2085/12 2086/12 2086/13 2086/23 2087/5 2087/9 2088/4 2098/13 2118/6 2135/1</p> <p>ready [3] 2080/9 2080/13 2080/25</p> <p>real [12] 1999/17 1999/18 2009/15 2010/1 2010/5 2010/14 2012/10 2016/18 2021/6 2022/23 2102/5 2136/14</p> <p>real-world [5] 2009/15 2010/1 2010/5 2010/14 2012/10</p> <p>realize [1] 2098/20</p> <p>realized [2] 1992/2 2126/12</p> <p>really [38] 1970/3 1972/19 1981/1 1983/13 1986/19 1995/19 2002/10 2016/10 2019/18 2021/24 2023/2 2023/4 2035/14 2035/24 2036/5 2037/9 2038/21 2039/10 2039/20</p>
	<p>Q</p> <p>qualify [3] 2025/13 2089/22 2089/23</p> <p>question [43] 1970/1 1970/2 1970/24 1971/12 1971/15 1971/20 1975/19 1975/22 1976/24 1977/9 1978/8 1978/21 2006/19 2008/10 2010/9 2010/10 2063/16 2064/23 2064/24 2065/4 2067/21 2069/12 2072/22 2077/13 2080/20 2084/22 2085/20 2087/11 2087/13 2089/19 2097/24 2111/10 2111/19 2112/12 2119/10 2121/21 2122/7 2125/20 2131/22 2133/7 2133/8 2133/17 2134/5</p> <p>questionable [2] 1984/16 2107/25</p> <p>questionnaire [5] 2011/21 2130/20 2131/9 2131/11 2133/9</p> <p>questionnaires [1] 2131/18</p>	

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[19] 2042/15 2043/8 2052/16 2076/22 2077/3 2080/6 2080/9 2081/22 2083/13 2085/21 2088/12 2089/19 2097/17 2097/24 2099/14 2111/2 2111/12 2125/6 2125/7 reason [18] 1967/20 1970/10 1971/4 1973/8 1975/3 1977/7 2006/1 2035/3 2039/10 2044/5 2044/11 2044/16 2051/12 2058/23 2063/24 2096/13 2132/2 2134/14 reasonable [9] 1979/4 1983/8 1997/22 2002/19 2002/20 2002/24 2016/21 2032/20 2121/15 reasonably [9] 1970/21 1972/6 1975/9 1978/14 1978/25 1991/20 2002/18 2018/21 2075/9 reasoning [24] 2035/20 2035/24 2036/22 2037/4 2037/12 2038/11 2038/12 2042/18 2043/11 2047/17 2048/6 2049/7 2050/3 2050/6 2053/23 2075/2 2095/1 2097/2 2097/15 2099/7 2099/8 2103/14 2108/23 2111/6 reasons [12] 1969/24 1974/1 1976/17 1980/2 1988/11 1991/14 1996/14 2044/3 2063/23 2074/13 2110/9 2132/2 recall [11] 1981/8 1985/9 1987/18 2054/12 2060/23 2073/7 2075/10 2080/21 2107/17 2119/13 2122/7 recalled [1] 2071/23 received [10] 2005/10 2006/6 2015/1 2026/25 2046/10 2126/18 2126/19 2132/1 2134/2 2134/4 recent [6] 1997/8 2021/1 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2024/18 2027/20 2028/17 2031/17 2031/18 2035/7 2036/1 2038/12 2040/1 2042/10 2045/19 2045/22 2047/9 2047/18 2048/9 2049/2 2049/21 2051/17 2052/9 2053/6 2054/7 2054/8 2058/19 2061/2 2063/10 2067/14 2067/19 2068/4 2068/15 2069/17 2075/1 2079/13 2081/11 2083/18 2084/1 2084/3 2088/4 2088/8 2089/1 2089/24 2094/18 2095/23 2097/22 2098/12 2101/15 2101/20 2102/12 2103/13 2103/14 2106/17 2107/2 2108/3</p>
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<p>S see... [23] 2114/2 2114/4 2114/14 2114/17 2114/19 2116/10 2119/18 2119/20 2119/20 2120/1 2120/19 2120/23 2120/23 2120/24 2120/24 2120/25 2122/16 2125/2 2125/6 2125/7 2131/16 2133/20 2134/15 seeing [3] 2008/9 2088/3 2109/5 seeking [1] 2019/2 seem [3] 2072/15 2097/20 2107/16 seemed [3] 2066/8 2068/8 2107/21 seems [3] 2018/9 2081/11 2098/16 seen [10] 1968/19 2030/25 2049/9 2049/13 2049/19 2052/1 2059/6 2059/10 2065/8 2108/9 select [1] 1967/13 selected [1] 1967/17 selection [1] 2071/6 self [9] 2016/11 2067/13 2067/14 2067/16 2068/3 2068/5 2068/8 2094/21 2094/22 self-care [3] 2067/13 2067/14 2067/16 self-directed [1] 2068/8 self-direction [2] 2068/3 2068/5 seminar [1] 2014/5 send [2] 2070/14 2070/16 sends [1] 2008/23 sense [13] 1970/11 1981/24 1982/3 1983/4 1983/4 2023/10 2062/19 2064/2 2070/13 2079/10 2095/2 2114/21 2122/21 sensible [1] 2037/4 sent [6] 2006/2 2009/4 2071/10 2130/22 2131/10 2132/3 sentence [17] 1973/19 2013/11 2013/12 2013/18 2013/19 2013/22 2075/21 2100/16 2105/14 2106/19 2107/5 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2015/12 2082/16 2082/17 Shapiro's [1] 1987/6 she [12] 2028/25 2051/16 2055/8 2055/9 2071/24 2071/24 2071/25 2076/2 2090/12 2090/14 2123/2 2129/21</p>	<p>shift [1] 2056/3 short [1] 1982/5 should [52] 1972/3 1973/22 1974/13 1979/25 1990/19 1992/11 1995/20 1995/23 1998/2 2003/6 2003/7 2003/21 2003/23 2005/22 2008/16 2035/25 2036/1 2062/15 2063/24 2085/16 2087/4 2087/4 2089/17 2090/17 2090/23 2095/22 2096/1 2100/2 2100/14 2102/17 2122/5 2127/12 2127/14 2127/16 2128/21 2129/2 2129/11 2129/15 2129/16 2129/22 2129/24 2130/1 2130/3 2130/5 2130/15 2130/20 2133/10 2134/8 2134/10 2134/21 2135/3 2135/6 shouldn't [3] 2087/4 2093/7 2095/24 show [21] 1969/8 1974/9 1983/9 1986/14 1991/7 1994/16 2022/17 2039/20 2044/13 2046/24 2047/24 2048/12 2050/22 2051/8 2062/2 2066/9 2089/15 2092/16 2105/22 2121/3 2123/9 showed [11] 1982/10 2000/22 2032/25 2057/8 2058/17 2063/15 2064/25 2065/4 2076/2 2076/20 2077/10 showing [11] 1981/6 1983/25 1999/21 1999/24 2006/24 2011/23 2045/7 2047/22 2052/5 2062/12 2118/24 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2101/15 2104/3 2107/16 2107/17 2107/20 2107/23 2107/25 2109/9 2110/23 2111/13 2111/14 2111/14 2115/12 2125/10 2125/10 2130/16 2132/7 2134/10 2134/21 they'll [1] 2130/24 they're [37] 1979/7 1989/4 1990/22 2001/6 2008/24 2010/21 2023/14 2024/1 2031/4 2041/15 2046/21 2052/13 2052/18 2055/3 2062/18 2062/18 2079/10 2084/12 2086/10 2086/12 2093/12 2095/1 2097/14 2102/8 2108/20 2110/8 2110/8 2110/13 2110/20 2120/8 2120/20 2124/22 2125/7 2125/8 2132/6 2132/7 2132/8 they've [3] 1986/15 2025/10 2130/23 thing [16] 1970/16 1981/17 2005/3 2006/2 2046/20 2047/11 2055/2 2064/3 2069/16 2078/23 2084/12 2085/22 2101/18 2103/3 2108/12 2124/1 things [26] 1973/17 1977/3 1986/1 1986/2 1986/2 1988/14 1992/14 1998/7 2008/8 2008/12 2033/23 2033/24 2056/6 2056/10 2069/24 2072/15 2077/5 2084/11 2089/11 2091/1 2103/1 2104/3 2115/4 2125/2 2125/11 2131/13 think [96] 1967/12 1968/25 1969/16 1970/24 1973/2 1974/16 1974/18 1975/17 1976/11 1977/7 1977/15 1979/4 1979/5 1979/6 1979/20 1979/23 1981/21 1982/6 1982/7 1982/9 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2018/11 2022/3 2029/15 2044/2 2130/18 Thursday [1] 2007/16 thus [5] 1973/19 1997/1 2092/1 2092/8 2124/3 tied [2] 2022/4 2031/7 till [1] 2007/17 time [90] 1972/4 1972/12 1972/15 1973/3 1974/24 1975/6 1975/18 1975/19 1976/22 1976/23 1979/2 1979/2 1980/3 1981/1 1982/23 1990/13 1992/2 1997/1 1999/25 2007/12 2007/14 2007/23 2007/25 2008/2 2008/9 2008/10 2008/21 2009/10 2010/24 2011/2 2011/5 2011/7 2011/9 2011/12 2011/14 2011/20 2012/11 2015/10 2015/11 2020/18 2020/18 2021/16 2028/22 2028/22 2028/23 2028/23 2029/17 2041/13 2041/19 2043/4 2044/2 2048/1 2048/23 2049/6 2049/25 2056/6 2056/10 2057/21 2060/23 2073/14 2074/9 2074/12 2074/17 2075/1 2076/23 2077/4 2077/17 2077/21 2080/3 2080/9 2080/25 2084/13 2090/2 2101/12 2103/9 2105/9 2106/2 2106/5 2112/16 2117/17 2120/4 2120/8 2120/10 2124/15 2128/2 2128/17 2131/9 2131/16 2132/22 2133/21</p>
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<p>T timed [1] 2047/19 times [13] 1981/5 1983/5 1983/18 2048/25 2066/5 2066/7 2066/16 2066/18 2073/10 2079/3 2101/5 2102/25 2103/4 to -- what [1] 1978/20 today [7] 1965/6 1977/5 1977/6 1978/11 1981/16 2133/15 2136/9 toddler [1] 1972/1 together [18] 2007/19 2008/13 2038/9 2041/24 2042/5 2042/7 2042/11 2045/13 2045/15 2047/25 2051/10 2051/13 2051/14 2051/24 2052/1 2062/5 2062/10 2079/4 told [5] 1980/13 1997/21 2002/23 2020/3 2092/24 TONI [1] 2099/6 too [12] 1978/7 1991/3 1991/4 1992/5 2024/24 2025/24 2031/4 2041/15 2045/18 2079/1 2091/8 2115/19 took [7] 1992/22 2016/25 2017/5 2044/24 2073/23 2080/1 2093/4 tool [4] 2080/10 2080/11 2080/12 2115/17 top [5] 1989/24 2000/7 2048/5 2086/8 2086/9 topic [6] 1966/1 1985/1 2019/2 2029/7 2029/9 2029/10 topics [1] 2008/11 Torrance [1] 2128/10 total [17] 1970/20 1972/3 1972/6 1973/22 1974/13 1978/14 1978/24 2007/14 2008/2 2008/14 2021/23 2058/2 2060/18 2060/18 2118/1 2118/13 2118/14 totally [3] 2020/10 2049/24 2051/15 totals [1] 2124/14 touch [2] 2034/5 2050/17 touched [1] 2030/17 tough [2] 2074/21 2089/19 toward [4] 2064/3 2064/7 2065/12 2098/16 towards [1] 2056/2 tower [2] 2059/1 2097/3 TOWRE [1] 2097/4 TR [3] 2064/15 2128/20 2129/5 track [1] 2101/11 tracked [1] 2046/21 trail [1] 2120/18 training [3] 2013/8 2013/15 2028/12 transcript [2] 1963/9 2082/23 transcription [2] 1964/15 1964/15 transcripts [1] 1993/21 traumatic [2] 2018/17 2028/12 treat [1] 2087/14 treatment [2] 2032/11 2087/15 tremendous [3] 2013/3 2016/8 2131/2 trends [1] 1999/21 trials [1] 2060/19 tricky [1] 2066/13 tried [2] 2045/1 2077/3 triennial [1] 1976/11 trouble [8] 2057/10 2057/16 2057/20 2066/15 2078/21 2078/21 2099/1 2123/9 troubles [2] 2001/18 2001/20 truck [1] 2068/21 true [9] 1988/25 1993/25 2070/1 2092/14 2094/9 2102/21 2109/11 2114/2 2121/23 trump [1] 2010/2 trumps [2] 2009/15 2009/21 try [5] 1976/14 2007/6 2087/5 2107/7 2130/25 trying [18] 1968/25 1976/13 1976/21 1977/4 1977/21 1978/20 1984/20 1991/23 1995/11 1995/20 2005/19 2010/21 2041/9 2093/3 2093/14 2114/6 2117/9 2125/9 Tsu [1] 2000/2 turn [6] 2041/9 2041/19 2074/2 2093/15</p>	<p>2099/2 2117/22 turn [1] 2013/1 2033/10 turning [3] 2060/16 2075/12 2085/4 twist [1] 2038/8 two [56] 1970/4 1977/23 1979/5 1980/1 1980/24 1982/22 1989/8 2007/18 2007/19 2008/12 2024/10 2035/20 2036/5 2037/13 2037/20 2037/21 2038/3 2038/14 2038/14 2039/21 2040/7 2042/16 2042/17 2043/1 2043/12 2044/3 2045/21 2048/5 2048/7 2048/15 2053/18 2054/1 2057/6 2059/21 2061/5 2063/23 2064/16 2065/7 2074/16 2081/21 2086/9 2093/13 2094/10 2095/5 2096/8 2100/25 2103/1 2103/9 2106/10 2106/20 2120/1 2121/24 2122/20 2124/14 2127/6 2129/4 two feet [1] 2024/10 two years [1] 1980/24 two-by-two [1] 2038/14 type [14] 1972/18 1976/7 1980/3 2007/7 2009/2 2016/3 2033/20 2052/6 2054/14 2059/16 2076/3 2078/12 2083/22 2107/20 types [4] 2031/20 2039/21 2077/1 2077/18 typical [6] 2008/24 2066/2 2072/10 2075/15 2091/23 2091/24 typically [15] 1981/9 1982/12 1982/22 1986/10 1987/15 2009/5 2031/12 2035/22 2044/8 2088/3 2092/1 2092/7 2094/8 2096/1 2121/23 Tzou [4] 2000/2 2000/17 2000/19 2001/21 Tzu [1] 2000/19</p> <p>U U.S.C. [1] 2009/1 U.S.C. Section 40 [1] 2009/1 ULERIO [1] 1964/9 ultimate [1] 2040/6 ultimately [1] 2127/21 under [8] 1965/20 2028/10 2064/16 2074/7 2105/13 2116/3 2117/23 2123/14 underestimate [1] 1991/23 underlying [3] 2087/2 2087/2 2128/6 underneath [1] 2038/6 understand [21] 1969/1 1972/9 1978/20 1996/9 2010/17 2041/4 2041/15 2043/23 2053/11 2070/6 2073/21 2084/23 2087/17 2087/18 2092/13 2102/17 2108/4 2108/4 2119/6 2128/1 2131/11 understandable [1] 2057/3 understanding [16] 2004/2 2007/6 2011/1 2031/13 2033/12 2039/14 2040/20 2055/6 2062/19 2094/21 2099/1 2102/7 2105/8 2105/18 2135/7 2135/7 understands [2] 2130/9 2130/10 undertake [1] 2128/7 unexpected [1] 2030/14 unfamiliar [1] 2102/4 unfortunate [1] 2047/4 unfortunately [2] 2083/24 2087/15 uniformly [1] 1993/20 UNITED [9] 1963/1 1963/2 1963/4 1963/10 1963/14 1963/15 1965/11 1995/4 1995/5 United States [3] 1965/11 1995/4 1995/5 University [2] 2028/7 2052/24 unless [2] 2085/25 2124/23 unsettled [1] 1997/16 until [5] 1994/5 2013/6 2103/14 2108/17 2119/21 unwanted [1] 2105/16 up [57] 1967/15 1969/4 1973/18 1974/8 1975/24 1982/15 1984/9 1984/9 1987/18 1988/20 1989/16 1992/11 1993/2 1999/24 2000/4 2002/13 2007/21 2019/11 2020/18 2021/16 2022/12 2041/5 2041/23 2045/12</p>	<p>2045/22 2045/23 2048/10 2053/3 2059/15 2059/10 2060/2 2066/11 2070/23 2072/19 2073/10 2083/24 2089/25 2090/2 2095/8 2100/18 2101/14 2101/14 2107/11 2109/20 2110/22 2110/22 2111/12 2120/4 2121/7 2124/15 2125/4 2125/12 2134/6 2134/11 2134/11 2135/19 2135/23 updated [2] 2116/16 2136/9 upon [13] 2020/20 2050/17 2052/15 2073/24 2074/17 2079/15 2083/13 2084/19 2094/4 2096/21 2099/14 2101/22 2114/25 us [12] 1968/2 1973/6 1978/10 1979/3 1983/21 2032/5 2047/3 2055/13 2055/18 2099/17 2133/3 2133/19 use [39] 1966/18 1969/21 1969/24 1977/10 1977/12 1977/15 1996/20 1996/21 1996/23 1997/2 1997/7 1999/3 1999/6 2003/6 2003/8 2006/17 2012/11 2016/3 2021/23 2025/7 2031/25 2037/5 2056/1 2063/18 2066/24 2067/20 2067/22 2080/4 2080/9 2080/11 2080/13 2085/20 2095/22 2098/10 2099/11 2114/6 2114/8 2114/21 2115/5 used [19] 1966/15 1972/4 2018/11 2034/2 2035/16 2036/2 2041/6 2052/4 2068/19 2073/5 2073/6 2073/6 2077/14 2080/12 2084/2 2100/2 2100/14 2104/5 2127/25 useful [2] 1975/14 2115/16 using [15] 1991/19 1999/5 1999/8 1999/9 2006/4 2010/21 2025/3 2042/8 2045/18 2053/20 2105/15 2109/19 2115/14 2116/15 2127/25 Usually [1] 2009/1 utility [2] 1997/3 2001/11</p> <p>V VA [1] 2028/9 vaguely [1] 2003/15 valid [32] 1970/21 1972/7 1972/11 1972/14 1973/22 1974/14 1974/22 1975/4 1975/9 1975/11 1975/13 1975/18 1975/22 1976/2 1976/5 1976/8 1976/18 1976/19 1977/10 1977/12 1977/15 1977/17 1978/15 1978/17 1978/25 1979/1 1979/8 1979/18 1980/14 2012/6 2100/25 2112/16 validated [1] 1987/3 validity [3] 1997/4 1999/13 2016/14 value [2] 2025/17 2109/19 values [1] 2109/19 Vance [2] 1986/9 1987/12 variability [7] 1973/9 1985/15 1985/17 1985/21 2001/10 2086/16 2086/20 variable [6] 2106/11 2106/22 2117/5 2124/24 2125/1 2125/16 variables [1] 2124/18 variation [2] 2002/5 2117/6 variations [1] 2013/3 varied [1] 2000/25 variety [2] 1988/11 2018/12 various [6] 1985/7 1988/14 2007/7 2010/17 2012/10 2111/25 vary [2] 1996/15 2101/22 varying [1] 2129/11 vast [1] 2050/25 Vaughn [1] 2003/11 venire [8] 2130/20 2131/23 2131/23 2131/25 2132/5 2133/7 2133/9 2133/9 verbal [91] 1988/23 1991/1 1992/7 1992/10 1992/23 2035/11 2035/14 2035/15 2035/16 2036/2 2036/3 2036/11 2036/16 2038/2 2038/20 2038/23 2039/4 2039/7 2039/10 2039/16 2039/22 2040/13 2040/23 2041/5 2041/12 2041/12 2041/23 2041/25 2042/14 2042/16 2042/17 2042/17 2042/18 2043/9 2044/2 2045/24 2046/18 2046/19 2046/24</p>
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<p>V verbal... [52] 2047/1 2048/7 2048/8 2048/9 2048/9 2048/18 2054/4 2054/11 2054/12 2054/13 2054/22 2092/17 2094/14 2094/19 2095/2 2095/11 2095/24 2096/19 2097/1 2097/7 2097/10 2097/12 2097/22 2098/6 2098/7 2098/22 2098/22 2099/2 2100/1 2100/13 2100/25 2108/22 2109/8 2109/17 2113/5 2113/25 2114/15 2114/15 2115/23 2118/18 2118/19 2118/20 2118/23 2118/25 2119/4 2119/8 2119/21 2119/22 2121/12 2121/17 2122/14 2130/13 verbally [3] 2018/2 2038/7 2067/12 verified [1] 1989/19 VERONICA [1] 1964/8 version [4] 1969/25 1985/22 2038/1 2038/18 versions [2] 1985/14 2036/15 versus [6] 1963/4 1966/2 1995/4 2015/24 2087/23 2121/17 very [75] 1967/25 1968/3 1973/15 1976/16 1999/7 2005/19 2009/23 2009/23 2010/1 2012/4 2018/13 2021/9 2021/25 2024/3 2030/24 2031/3 2031/18 2031/20 2032/13 2033/8 2033/13 2034/18 2038/20 2039/5 2039/21 2041/12 2043/19 2046/7 2046/21 2046/21 2047/19 2047/22 2048/14 2052/23 2053/1 2054/2 2056/11 2056/12 2056/13 2057/18 2059/9 2059/12 2067/23 2069/23 2079/11 2080/12 2083/18 2083/20 2086/17 2089/24 2090/5 2091/6 2092/18 2094/10 2095/1 2095/5 2098/17 2099/7 2103/1 2103/13 2103/13 2104/3 2104/3 2105/24 2108/8 2108/18 2111/8 2112/16 2117/10 2121/11 2121/25 2122/20 2126/2 2126/7 2131/17 victory [2] 2006/25 2007/1 view [10] 1979/9 2004/21 2004/21 2015/24 2020/15 2069/22 2084/11 2088/7 2089/17 2090/16 views [5] 2015/15 2015/16 2018/19 2102/7 2132/12 violates [1] 2019/20 Virginia [1] 2099/22 virtue [1] 2132/6 visual [39] 1984/15 2031/16 2033/4 2036/15 2036/17 2037/4 2037/11 2037/25 2038/20 2039/7 2039/17 2040/8 2040/16 2043/3 2050/16 2054/1 2054/3 2054/15 2056/23 2057/9 2057/10 2059/6 2062/11 2076/8 2083/17 2092/18 2092/19 2094/23 2094/25 2095/1 2095/3 2095/6 2096/25 2097/11 2097/13 2097/23 2099/7 2103/14 2107/24 visual-spatial [1] 2107/24 visually [3] 2038/25 2039/23 2095/11 vocabulary [4] 2035/17 2035/17 2042/19 2059/20 voice [1] 1968/25 VP [1] 2116/22 vulnerable [1] 2110/5</p>	<p>1989/9 1989/21 1991/8 2003/23 2049/1 2049/3 2102/23 2103/12 2103/20 2006/7 2106/5 2106/7 2110/18 2110/22 2110/24 2111/2 2111/4 2111/12 WAIS-IV [20] 1989/2 1989/3 1989/6 1989/10 1989/15 1989/18 1989/20 1990/10 1990/19 1991/3 1991/6 1991/7 1991/8 2049/22 2050/9 2102/3 2103/20 2108/8 2108/16 2108/17 WAIS-R [5] 1986/16 2103/11 2103/17 2113/21 2116/20 WAISs [1] 1988/19 wait [1] 2025/24 want [45] 1970/10 1970/17 1971/2 1973/3 1975/15 1976/14 1976/22 1977/1 1979/18 1986/21 1992/5 2011/10 2011/12 2012/13 2012/14 2014/4 2019/18 2019/21 2026/1 2034/5 2036/4 2040/19 2041/3 2047/5 2050/17 2060/3 2065/14 2071/7 2075/3 2076/19 2081/1 2081/2 2101/12 2106/17 2111/2 2117/22 2119/10 2122/10 2134/6 2134/7 2134/14 2134/19 2134/20 2136/1 2136/12 wanted [8] 1966/1 2010/18 2010/19 2011/5 2051/17 2074/5 2122/4 2130/16 wants [1] 1987/7 warrant [1] 2016/23 was [217] was present [1] 2033/7 wasn't [2] 2042/16 2132/19 wasnt [6] 1992/11 1996/7 2010/19 2011/4 2076/17 2076/22 way [36] 1971/7 1972/9 1983/21 1987/23 1987/24 1988/20 1989/6 1990/11 2011/13 2024/16 2025/2 2035/21 2039/19 2039/20 2041/17 2042/13 2044/23 2052/18 2052/25 2053/18 2056/3 2059/22 2062/17 2072/10 2072/14 2072/19 2088/12 2097/1 2098/3 2098/4 2098/9 2111/9 2114/21 2117/25 2130/1 2134/24 way -- yes [1] 1987/24 ways [7] 1988/12 1988/13 2052/12 2055/10 2058/21 2096/13 2108/11 we [186] we'll [7] 2108/14 2130/25 2131/1 2133/5 2134/7 2136/9 2136/9 we're [32] 1969/9 1974/3 1975/6 1981/16 1982/14 1999/11 2001/16 2001/17 2008/4 2008/5 2008/8 2013/23 2013/24 2014/3 2016/19 2022/20 2022/22 2023/13 2051/21 2061/8 2062/18 2079/18 2086/19 2087/15 2094/19 2098/5 2098/6 2103/16 2110/20 2114/6 2123/12 2132/4 we've [5] 1969/16 1972/23 1974/8 2038/1 2065/17 weak [4] 2021/15 2021/21 2059/2 2060/19 weaker [2] 2039/6 2039/6 weakness [2] 2030/23 2091/12 weaknesses [9] 2046/24 2046/25 2062/19 2076/6 2089/3 2089/18 2090/10 2096/23 2115/14 wear [7] 1982/2 1982/4 1982/5 1982/7 1983/4 1983/12 2048/23 wears [1] 1983/10 Wechsler [7] 2101/5 2102/24 2102/24 2103/3 2103/4 2123/6 2123/20 Wechsler's [3] 1984/11 1984/13 2107/22 week [1] 2127/11 weeks [2] 1982/23 2107/16 weight [9] 1992/6 2080/24 2090/8 2090/12 2090/13 2125/13 2128/21 2129/16 2130/5 weighted [3] 2118/12 2118/16 2118/20 Weiss [2] 2000/2 2000/19 well [101] 1968/16 1968/18 1969/23 1971/11</p>	<p>1973/19 1975/8 1976/3 1976/7 1979/12 1980/2 1981/10 1983/23 1985/22 1988/1 1986/1 1987/25 1988/11 1988/22 1989/16 1991/20 1993/19 1994/3 1994/5 1999/10 2000/2 2001/16 2002/19 2003/19 2004/15 2006/18 2007/14 2010/8 2010/19 2015/9 2016/1 2017/19 2018/1 2018/11 2018/21 2020/7 2020/17 2021/9 2021/20 2021/25 2022/5 2022/20 2024/18 2024/24 2025/3 2031/1 2033/25 2038/21 2041/21 2042/5 2044/3 2046/7 2047/22 2048/21 2050/4 2052/7 2053/7 2053/23 2055/6 2056/15 2057/5 2057/12 2057/19 2057/24 2058/22 2063/14 2064/7 2065/6 2065/14 2066/7 2066/19 2066/20 2073/8 2075/9 2082/5 2089/10 2090/22 2091/20 2092/21 2093/6 2097/18 2098/12 2105/2 2112/19 2115/21 2116/1 2118/17 2122/9 2124/14 2124/21 2125/24 2126/5 2131/13 2132/9 2132/16 2133/5 2134/9 well-known [2] 1968/16 1968/18 went [6] 1999/4 2035/16 2068/6 2068/7 2076/23 2121/7 were [135] 1967/25 1968/2 1968/5 1968/5 1977/21 1978/15 1979/2 1981/15 1981/25 1982/18 1988/19 1991/15 1992/2 1993/18 1997/14 1997/22 1999/25 2006/2 2006/16 2008/10 2008/11 2008/17 2008/19 2009/4 2009/7 2010/17 2011/12 2015/15 2019/1 2019/2 2022/12 2022/23 2023/5 2023/22 2023/23 2025/5 2025/16 2031/23 2031/23 2032/9 2033/12 2033/13 2033/25 2037/10 2039/1 2040/9 2040/13 2041/10 2041/13 2041/18 2041/20 2042/15 2044/2 2044/7 2045/13 2045/17 2046/17 2047/1 2047/4 2049/5 2049/22 2050/1 2050/2 2050/2 2050/3 2050/5 2050/23 2050/24 2050/24 2051/2 2051/3 2051/18 2053/4 2056/15 2057/25 2060/24 2062/13 2062/13 2062/14 2063/9 2063/9 2063/10 2063/11 2063/15 2063/20 2064/6 2064/10 2064/11 2065/16 2065/18 2065/21 2065/25 2066/2 2066/5 2066/6 2067/15 2068/5 2069/7 2071/17 2072/14 2073/24 2074/19 2075/4 2077/10 2080/23 2081/21 2082/5 2083/14 2083/15 2083/15 2093/8 2103/12 2103/13 2104/3 2104/5 2109/23 2110/24 2111/13 2111/13 2111/14 2111/14 2112/5 2115/6 2115/7 2115/11 2119/10 2119/11 2119/12 2121/9 2121/10 2121/21 2121/21 2122/3 2122/4 2135/18 weren't [1] 2103/11 what [229] what's [12] 1978/2 1991/2 1993/12 1995/3 2006/14 2036/21 2039/14 2047/15 2048/19 2088/21 2105/25 2129/24 whatever [6] 1977/14 1999/9 2011/14 2014/2 2058/23 2110/12 wheel [1] 2131/12 when [120] 1968/5 1972/2 1975/8 1976/7 1977/19 1978/13 1981/1 1983/18 1984/12 1985/22 1990/25 1991/7 1991/18 1994/5 1994/16 1994/19 1994/20 1995/11 1996/15 1997/13 2001/3 2001/5 2008/17 2009/4 2009/23 2011/13 2013/20 2016/2 2016/19 2018/9 2019/9 2020/7 2021/13 2022/18 2031/6 2031/10 2035/16 2038/23 2040/23 2041/8 2045/23 2047/18 2048/16 2049/21 2050/10 2050/11 2050/21 2055/20 2056/5 2056/6 2056/8 2057/23 2058/18 2058/23 2060/2 2060/4 2060/14 2061/12 2062/17 2064/10 2066/5 2066/7 2066/9 2067/16 2067/21 2068/9 2069/21 2071/11 2071/12 2072/2 2074/12 2075/7 2075/8 2075/19 2075/21 2083/16 2084/6 2086/7 2086/18</p>
<p>W WAIS [54] 1985/22 1986/16 1986/16 1988/22 1989/2 1989/3 1989/6 1989/7 1989/9 1989/10 1989/15 1989/18 1989/20 1989/21 1990/10 1990/19 1991/3 1991/6 1991/7 1991/8 1991/8 1996/1 1996/2 2003/23 2049/1 2049/3 2049/12 2049/22 2050/7 2050/9 2073/8 2102/3 2102/3 2103/11 2103/12 2103/17 2103/20 2103/20 2106/2 2106/5 2106/7 2108/8 2108/16 2108/17 2110/18 2110/22 2110/24 2111/2 2111/4 2111/12 2113/21 2116/19 2116/20 2116/20 WAIS-III [21] 1986/16 1988/22 1989/7</p>		

<p>W when... [41] 2089/21 2091/11 2092/2 2095/2 2095/14 2095/15 2097/2 2097/6 2097/8 2097/9 2097/11 2098/17 2099/25 2101/3 2103/19 2106/5 2107/5 2107/9 2107/15 2107/21 2112/9 2112/10 2112/10 2112/13 2112/20 2112/21 2119/24 2121/6 2121/9 2121/9 2122/12 2122/16 2124/1 2124/12 2125/2 2125/6 2125/8 2125/20 2127/24 2131/16 2136/1 where [67] 1967/13 1969/20 1970/25 1984/12 1993/11 1993/17 1993/19 1993/24 1994/2 2001/22 2002/10 2008/18 2009/14 2013/11 2021/14 2024/9 2025/6 2035/20 2036/22 2038/4 2048/17 2049/1 2052/21 2053/1 2055/8 2057/17 2060/9 2062/18 2066/25 2072/20 2077/1 2077/7 2079/23 2087/6 2087/13 2087/21 2092/5 2093/6 2093/23 2093/25 2094/3 2097/16 2097/21 2098/12 2100/12 2101/4 2101/11 2105/22 2108/8 2110/5 2110/14 2110/14 2110/18 2111/4 2111/9 2113/11 2118/8 2118/15 2120/19 2120/21 2121/7 2124/10 2130/19 2131/3 2132/1 2132/9 2132/18 where you're [1] 2113/11 whereas [2] 2040/15 2048/11 whether [53] 1970/17 1971/16 1971/24 1984/16 1985/2 1985/6 1992/15 1993/15 1999/1 2004/14 2010/10 2016/16 2017/10 2017/21 2024/19 2032/1 2032/17 2033/15 2039/14 2041/10 2063/4 2063/10 2064/4 2064/5 2065/12 2067/2 2069/1 2069/7 2070/17 2070/18 2071/8 2081/22 2087/22 2100/11 2101/25 2102/1 2107/25 2111/19 2114/6 2127/20 2127/22 2128/12 2128/15 2128/18 2128/22 2128/25 2129/20 2129/22 2129/24 2131/22 2131/23 2135/22 2135/23 which [95] 1969/3 1969/12 1970/18 1970/19 1970/25 1976/6 1986/9 1988/1 1992/3 2001/10 2002/4 2002/23 2009/10 2017/9 2021/2 2021/24 2022/8 2023/16 2024/4 2032/10 2033/20 2035/8 2035/17 2035/22 2036/10 2036/25 2037/7 2037/9 2037/19 2038/9 2038/11 2038/12 2038/21 2040/24 2041/6 2042/10 2042/11 2042/12 2042/21 2044/13 2047/16 2047/24 2048/25 2049/7 2049/16 2051/23 2054/8 2054/12 2054/13 2056/14 2056/23 2056/24 2059/4 2061/6 2062/17 2065/18 2068/19 2068/20 2074/2 2075/1 2076/8 2076/20 2080/20 2081/13 2086/8 2088/17 2089/7 2089/15 2092/18 2095/14 2095/21 2096/13 2096/14 2097/3 2097/7 2097/17 2097/25 2102/9 2109/20 2110/24 2113/6 2113/21 2116/5 2116/14 2116/24 2117/5 2117/25 2121/16 2124/6 2124/24 2128/20 2128/25 2129/12 2129/13 2134/7 while [16] 1999/23 2048/24 2049/3 2049/10 2049/15 2050/13 2055/25 2060/25 2065/7 2079/24 2080/12 2092/14 2101/18 2109/24 2118/18 2125/14 white [3] 2025/16 2049/12 2111/16 who [45] 1968/14 1970/11 2000/8 2004/5 2013/8 2013/14 2015/6 2018/21 2023/15 2023/15 2028/24 2031/19 2034/17 2039/5 2039/20 2039/24 2041/14 2050/13 2055/11 2071/2 2071/10 2072/2 2076/1 2078/4 2080/11 2081/17 2082/25 2086/5 2086/8 2088/3 2088/4 2089/9 2092/15 2092/21 2092/24 2097/20 2114/14 2114/15 2114/19 2114/23 2115/22 2116/21 2125/7 2125/9 2135/21 whole [4] 2008/6 2057/14 2091/21 2117/4</p>	<p>wholeheartedly [1] 1974/8 why [1] 2025/6 why [30] 1967/20 1967/21 1968/2 1969/24 1970/10 1971/5 1976/11 1980/15 1985/25 1987/9 1987/19 1988/9 1991/13 1995/25 1996/14 2014/18 2034/25 2039/10 2041/1 2043/17 2043/25 2044/16 2059/25 2077/21 2081/10 2094/16 2100/24 2115/10 2132/2 2132/2 WIAT [1] 2058/7 WIAT-III [1] 2058/7 wide [3] 2000/4 2002/5 2117/6 widely [1] 2039/24 will [24] 1966/21 1982/4 1982/5 1999/24 2004/22 2016/9 2031/5 2042/1 2045/22 2059/7 2059/9 2081/1 2084/9 2085/25 2096/15 2098/12 2106/24 2113/14 2127/9 2127/19 2131/6 2131/16 2132/19 2133/1 will definitely [1] 2132/19 willful [9] 2019/18 2022/13 2023/7 2023/7 2024/2 2024/5 2024/12 2024/13 2024/21 willfully [2] 2019/20 2024/20 willfulness [1] 2024/20 willing [2] 2012/4 2012/5 willingness [1] 2022/3 WILSON [44] 1963/5 1965/14 1980/3 1991/16 1991/18 1992/22 1994/4 1994/7 2007/10 2008/3 2010/10 2011/11 2011/25 2013/18 2014/9 2015/11 2015/13 2019/3 2024/4 2032/4 2032/13 2032/23 2033/15 2034/22 2035/1 2046/21 2049/8 2056/14 2057/8 2058/17 2059/17 2063/15 2064/25 2065/22 2068/6 2073/21 2074/12 2076/17 2080/22 2081/9 2109/10 2127/23 2129/8 2129/21 Wilson's [17] 1992/16 2017/25 2024/11 2034/21 2038/25 2040/8 2040/18 2046/18 2053/23 2060/23 2063/6 2083/2 2112/3 2129/2 2130/2 2130/8 2130/13 WISC [28] 1986/9 1986/11 1987/15 1987/16 1988/22 1988/22 1988/25 1989/1 1989/2 2048/25 2049/4 2049/11 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2098/14</p>	<p>Woodcock-Johnson [1] 2098/14 word [1] 2015/11 2015/11 2015/11 2017/3 2054/9 2054/14 2059/3 2059/5 2059/12 2061/6 2075/23 worded [1] 2084/22 words [39] 1977/4 1977/20 1987/20 2001/9 2008/23 2016/9 2031/14 2031/16 2033/3 2033/9 2035/18 2036/11 2037/5 2038/21 2039/15 2052/21 2055/19 2057/22 2058/9 2060/18 2060/22 2061/7 2061/11 2061/12 2075/7 2075/14 2080/24 2085/21 2094/21 2094/23 2097/10 2099/2 2100/16 2114/14 2115/20 2120/3 2122/8 2122/12 2127/22 wore [1] 1982/6 work [14] 2027/18 2027/22 2039/8 2042/24 2045/16 2062/18 2068/11 2068/12 2077/15 2099/15 2130/25 2131/1 2133/5 2136/12 worked [3] 2025/9 2058/18 2078/4 working [10] 2008/17 2042/22 2043/14 2044/17 2044/18 2054/15 2056/9 2058/6 2058/13 2126/6 works [1] 2084/15 workup [1] 2072/19 world [6] 2009/15 2010/1 2010/5 2010/14 2012/10 2132/7 worn [1] 1981/11 worry [1] 1980/10 worse [3] 2016/10 2020/21 2020/21 would [127] 1970/13 1973/3 1974/17 1975/1 1975/1 1975/2 1975/12 1975/14 1975/14 1975/16 1976/4 1976/4 1976/8 1976/8 1977/10 1977/12 1977/19 1977/23 1978/16 1978/18 1979/20 1982/7 1992/10 1992/13 1993/14 2004/1 2004/6 2004/19 2005/2 2007/22 2011/5 2011/8 2011/10 2011/16 2011/17 2011/19 2011/19 2014/10 2014/13 2016/22 2018/23 2019/4 2019/15 2019/16 2020/17 2021/15 2022/8 2022/8 2022/9 2023/9 2023/14 2023/18 2024/14 2025/17 2034/6 2034/16 2034/18 2038/22 2040/10 2040/20 2045/18 2045/20 2049/14 2049/24 2052/5 2060/9 2060/12 2065/20 2066/11 2066/13 2066/16 2066/25 2066/25 2067/5 2068/2 2068/4 2069/20 2072/22 2073/10 2074/20 2080/19 2082/8 2083/3 2083/4 2083/6 2083/10 2089/6 2089/16 2092/25 2092/25 2093/1 2093/6 2099/3 2099/12 2099/13 2101/24 2103/18 2104/1 2108/5 2108/10 2108/21 2109/1 2110/5 2110/14 2110/16 2110/20 2111/19 2112/2 2112/23 2114/8 2114/12 2122/18 2125/1 2125/4 2127/15 2127/23 2128/13 2129/12 2130/10 2130/11 2130/12 2131/8 2131/12 2132/17 2133/23 2134/14 2135/18 wouldn't [4] 1974/25 2014/11 2019/18 2131/15 wouldnt [7] 1975/3 1977/17 1979/17 1992/5 1994/10 2010/14 2092/23 write [2] 2070/9 2077/8 writing [17] 1981/2 1992/13 2016/4 2030/11 2031/12 2054/17 2054/17 2061/12 2074/25 2075/15 2077/9 2078/20 2078/22 2084/5 2084/7 2084/8 2106/5 written [15] 1983/12 1991/1 1994/12 1998/14 2015/21 2029/6 2029/7 2029/9 2055/11 2078/16 2085/13 2088/1 2101/7 2103/6 2112/15 wrong [8] 1974/17 1983/17 2024/6 2050/7 2050/8 2050/9 2050/10 2101/7 wrote [5] 2055/9 2077/9 2078/14 2082/6 2112/13 Y Yeah [14] 2008/23 2023/14 2060/13 2105/13</p>
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<p>Y</p> <p>Yeah... [10] 2105/24 2108/4 2110/4 2113/14 2116/12 2117/16 2118/6 2118/17 2124/3 2125/23</p> <p>year [16] 1970/22 1972/7 1975/10 1978/1 1978/15 1978/25 1979/4 1979/8 1982/23 2002/2 2021/16 2072/4 2106/10 2106/20 2116/8 2120/11</p> <p>years [49] 1972/1 1972/19 1972/22 1972/24 1973/23 1974/14 1976/19 1980/24 1982/6 1982/9 1982/12 1982/16 1982/24 1994/1 1997/2 1999/21 2002/5 2010/11 2010/15 2018/9 2021/1 2025/9 2031/21 2032/4 2032/12 2036/14 2041/6 2042/2 2046/18 2046/19 2047/10 2047/11 2048/10 2052/5 2063/15 2067/9 2071/1 2071/25 2073/13 2076/18 2077/13 2083/8 2083/13 2102/2 2102/25 2103/5 2103/15 2109/24 2125/3</p> <p>yes [161] 1965/21 1966/5 1966/12 1966/23 1967/5 1967/8 1967/11 1967/16 1968/4 1968/8 1968/15 1969/11 1969/11 1972/9 1973/2 1973/11 1973/15 1973/25 1975/14 1975/21 1975/24 1977/7 1979/14 1979/25 1980/7 1980/12 1982/4 1982/14 1984/4 1984/7 1985/10 1985/19 1985/20 1985/24 1986/6 1986/12 1986/14 1987/24 1988/3 1988/8 1988/17 1988/24 1989/3 1990/4 1990/6 1990/12 1990/16 1991/17 1991/20 1993/3 1993/6 1993/23 1994/14 1994/18 1994/25 1995/17 1996/17 1997/7 1997/12 1997/16 1997/19 1997/23 1998/4 1998/6 1999/7 2000/12 2000/20 2000/21 2001/1 2001/2 2002/4 2002/25 2003/15 2004/19 2005/8 2005/18 2006/22 2007/11 2007/25 2008/15 2009/13 2010/4 2011/4 2011/15 2012/9 2012/16 2013/15 2014/10 2014/10 2015/3 2015/19 2015/22 2017/4 2017/8 2017/13 2017/18 2018/13 2019/25 2023/5 2025/17 2026/2 2027/1 2029/7 2029/11 2029/24 2040/2 2045/3 2045/9 2047/4 2052/11 2056/2 2058/3 2063/8 2064/19 2065/2 2066/16 2066/18 2066/24 2067/4 2067/11 2069/21 2078/17 2082/8 2083/11 2084/19 2084/20 2084/21 2085/2 2085/17 2089/4 2090/7 2093/19 2094/11 2095/7 2096/5 2102/11 2105/7 2105/20 2106/5 2107/3 2109/12 2109/16 2109/22 2113/8 2113/23 2114/3 2118/10 2118/14 2119/14 2119/17 2122/2 2122/9 2123/4 2123/16 2123/25 2131/4 2131/5 2131/14 2133/16 2135/2 2135/17</p> <p>yesterday [18] 1966/2 1966/13 1967/12 1967/25 1981/3 1981/12 1981/15 1982/9 1982/15 1985/2 1985/6 1996/19 2016/25 2019/2 2020/4 2021/3 2022/19 2022/22</p> <p>yet [6] 1980/13 1990/25 2009/24 2018/22 2079/19 2103/13</p> <p>yield [2] 1990/20 2116/21</p> <p>YORK [7] 1963/1 1963/16 1963/20 1963/20 1964/2 1964/2 1964/13</p> <p>you [697]</p> <p>you'd [4] 1979/18 1984/5 1993/21 2069/17</p> <p>you'll [1] 2085/3</p> <p>you're [43] 2016/2 2020/13 2020/14 2021/8 2021/10 2022/15 2023/21 2024/18 2025/1 2030/7 2038/20 2039/13 2039/21 2039/22 2039/22 2042/5 2050/10 2052/20 2055/20 2056/4 2056/10 2057/17 2057/19 2079/24 2109/5 2109/17 2109/19 2110/11 2111/21 2111/23 2111/24 2112/21 2112/21 2113/3 2113/11 2118/3 2118/8 2122/13 2124/1 2124/12 2125/25 2126/7 2135/15</p> <p>you've [20] 1976/19 1993/9 1993/24 1994/23</p>	<p>1998/5 2034/6 2040/20 2047/25 2070/20 2071/8 2073/14 2095/20 2100/10 2100/25 2104/2 2107/7 2122/14 2124/22 2136/12 2136/14</p> <p>young [13] 1972/17 2019/9 2023/15 2024/3 2071/10 2071/23 2072/1 2072/5 2081/9 2106/11 2106/21 2112/19 2125/4</p> <p>younger [2] 1973/16 1974/3</p> <p>your [174] 1965/13 1966/7 1966/14 1966/18 1966/20 1966/21 1966/21 1966/25 1967/3 1967/9 1967/21 1969/14 1970/15 1971/3 1971/20 1971/21 1976/24 1978/13 1979/21 1981/16 1984/24 1986/17 1991/15 1991/24 1993/9 1993/11 1994/15 1994/25 1995/24 1996/19 1997/18 1999/3 1999/12 2002/23 2004/4 2004/12 2005/3 2005/15 2006/19 2006/21 2007/9 2007/9 2008/10 2008/17 2008/20 2009/11 2009/14 2009/14 2010/16 2011/13 2011/14 2011/20 2012/14 2012/18 2014/8 2014/14 2015/3 2015/6 2015/15 2016/5 2017/21 2020/6 2020/10 2020/15 2025/23 2026/4 2026/10 2026/12 2026/17 2026/21 2027/12 2028/3 2028/15 2028/20 2029/17 2029/20 2030/2 2030/4 2030/17 2031/14 2032/22 2034/3 2034/4 2034/7 2035/9 2036/10 2038/8 2038/24 2039/15 2040/6 2040/17 2040/25 2042/25 2045/10 2045/23 2046/6 2048/2 2050/18 2053/3 2053/8 2053/8 2053/9 2055/21 2055/22 2058/9 2062/21 2063/3 2063/4 2064/10 2064/21 2064/25 2065/3 2067/9 2069/6 2070/3 2070/13 2070/21 2072/11 2073/4 2073/10 2073/18 2073/21 2074/2 2077/25 2078/5 2078/14 2079/3 2079/3 2079/12 2080/4 2080/23 2080/24 2085/25 2087/8 2088/7 2088/15 2089/2 2089/17 2090/16 2090/16 2093/15 2093/15 2093/21 2094/6 2096/9 2096/16 2098/20 2099/10 2100/6 2100/24 2101/1 2102/7 2102/9 2105/8 2105/18 2109/4 2109/17 2112/12 2113/4 2117/22 2121/22 2122/1 2122/23 2125/19 2126/9 2126/11 2126/16 2126/22 2126/25 2131/5 2131/8 2132/12 2133/17 2136/7</p> <p>you're [33] 1976/18 1976/21 1977/4 1977/19 1978/20 1978/21 1979/1 1980/8 1980/8 1980/21 1981/3 1981/25 1982/16 1983/19 1999/8 1999/9 2011/12 2066/20 2067/21 2070/6 2072/20 2087/7 2090/18 2092/13 2094/7 2094/12 2094/15 2095/4 2095/16 2095/16 2096/3 2098/21 2100/25</p> <p>yourself [5] 2056/1 2057/16 2057/20 2060/7 2118/7</p> <p>youth [1] 2073/24</p> <p>Z</p> <p>zero [1] 2006/7</p>
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